



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 24, 2019

Ms. Maya Smith
Coordinator III, Public Records
Lone Star College
5000 Research Forest Drive
The Woodlands, Texas 77381-4356

OR2019-17193

Dear Ms. Smith:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 771967 (LSC File No. 18-370).

Lone Star College (the "college") received a request for information pertaining to a specified contract and request for proposals. You state you have released some information. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. Additionally, the college states release of the submitted information may implicate the proprietary interests of Linebarger, Goggan, Blair & Sampson, LLP ("Linebarger"). Accordingly, the college states, and provides documentation showing, it notified Linebarger of the request for information and of its right to submit arguments to this office. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the exception you claim and reviewed the submitted information.

Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831, 841 (Tex. 2015). The college represents the submitted information pertains to a competitive bidding situation in which the college solicits bids and

awards contracts for similar services on a recurring basis. In addition, the college states release of the information at issue would give future potential bidders an unfair advantage. After review of the information at issue and consideration of the arguments, we find the college has established the release of the information at issue would give advantage to a competitor or bidder. Accordingly, we conclude the college may withhold the submitted information under section 552.104(a) of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



D. Michelle Case
Assistant Attorney General
Open Records Division

DMC/gw

Ref: ID# 771967

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: Third Party
(w/o enclosures)