



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 10, 2019

Ms. Courtney R. Crosby
Public Information Assistant Coordinator
Dallas Independent School District
9400 North Central Expressway
Dallas, Texas 75231

OR2019-18666

Dear Ms. Crosby:

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# 774248 (Internal File No. R018190-041719).

The Dallas Independent School District (the "district") received a request for the bid tabulation pertaining to a specified request for proposals. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. You also state you notified 5 Star Automotive Repair; A.S.M. Pro Inc., d/b/a T & K Automotive Specialist; Caballero Collision Center; EZ Seating; Texas Hydraulic & Equipment LLC; The Liftgate Parts Co.; Kwik Kar of Grand Prairie; Park Cities Ford Lincoln Mercury ("Park Cities"); Richardson Saw & Lawn Mower Company; Rush Truck Centers of Texas LP; Six Construct Inc. d/b/a Budget Auto Body Shop; Weaver Spring & Brake Inc.; and Westway Ford of the request for information and of the right to submit arguments to this office as to why the submitted information should not be released. *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 received comments from Park Cities. We have considered the submitted arguments 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 (Tex. 2015). You represent the information pertains to a competitive bidding situation. You state this information could be used by competitors to undercut future bids and give future bidders a competitive advantage over others. In addition, you state release of the submitted information would diminish the district's ability to negotiate the most competitive contracts. After review of the information at issue and consideration of the arguments, we find the district has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the district may withhold the submitted information under section 552.104(a) of the Government Code.¹

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,



Erin Groff
Assistant Attorney General
Open Records Division

EMG/jxd

Ref: ID# 774248

Enc. Submitted documents

c: Requestor
(w/o enclosures)

12 Third Parties
(w/o enclosures)

¹As our ruling is dispositive, we need not address Park Cities' arguments against disclosure of this information.