



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 11, 2019

Mr. Justin S. Light
Counsel for the Tarrant Regional Water District
Counsel for the Trinity River Vision Authority
Pope, Hardwicke, Christie, Schell, Kelly & Taplett, L. L.P.
500 West 7th Street, Suite 600
Fort Worth, Texas 76102

OR2019-28648

Dear Mr. Light:

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# 791716 (Ref. Nos. 19.088 & 19.089).

The Tarrant Regional Water District and the Trinity River Vision Authority (collectively, the "district"), which you represent, received two requests from the same requestor for the e-mail messages of two named individuals and a consulting firm during a specified period of time. You state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.104 and 552.111 of the Government Code. We have considered the exception you claim and reviewed the representative sample of information.¹

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). The district represents the submitted information pertains to aspects of a project for which the district intends to, but has not, bid out. Thus, the district argues the information pertains to a competitive bidding situation in the future and release of the submitted information would cause the district harm. After

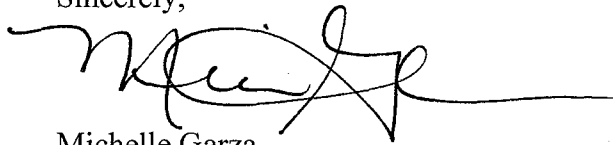
¹ This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. See Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

review of the information at issue and consideration of the arguments, we find the district has established the release of the information 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.²

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Michelle Garza
Assistant Attorney General
Open Records Division

MG/be

Ref: ID# 791716

Enc. Submitted documents

c: Requestor
(w/o enclosures)

² As our ruling is dispositive, we need not address the remaining argument against disclosure of the submitted information.