



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 5, 2019

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

OR2019-31120

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# 803074 (Ref No. 20-017)

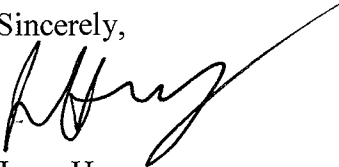
Lone Star College (the "college") received a request for information pertaining to a specified request for proposal. The college claims the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the submitted argument and reviewed the submitted 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 information at issue pertains to a competitive bidding situation. It states releasing the information at issue would harm its interests because release would allow competitors to estimate future bids, which would prevent the college from receiving best value. The college also argues release of the information at issue would undermine the competitive bidding process. Upon review, we find the college has established the release of the information at issue would give an advantage to a competitor or bidder. Thus, 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 <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,



Jesse Harvey
Assistant Attorney General
Open Records Division

JHI/mo

Ref: ID# 803074

Enc. Submitted documents

c: Requestor
(w/o enclosures)