



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 12, 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

OR2019-35228

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# 801381 (TRWD Req. 19.11).

The Tarrant Regional Water District and the Trinity River Vision Authority (collectively, the "district"), which you represent, received a request for information sent to a consulting firm during a specified period. You state you released some information. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. You also state release of the submitted information may implicate the interests of the U.S. Army Corps of Engineers (the "Corps"). Accordingly, you state, and provide documentation showing, you notified the Corps of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from the Corps. We have considered the submitted arguments and reviewed the submitted information.

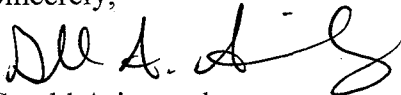
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." *Id.* 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it 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 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.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 <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,



Gerald Arismendez
Assistant Attorney General
Open Records Division

GA/eb

Ref: ID# 801381

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹ As our ruling is dispositive, we need not address the remaining arguments against disclosure of the submitted information.