



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

March 23, 2020

Mr. Patrick Brady  
Associate General Counsel  
Texas State Technical College  
3801 Campus Drive  
Waco, Texas 76705

OR2020-08979

Dear Mr. Brady:

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# 817625 (Ref. No. 11798610).

The Texas State Technical College (the "college") received a request for proposals and scoring information pertaining to a specified request for proposals ("RFP"). You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the college has only submitted scoring information pertaining to the specified RFP. To the extent information responsive to the remainder of the request existed on the date the college received the request, we assume you have released it. *See* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible). If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

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, 841 (Tex. 2015). The college asserts the submitted information should be withheld under section 552.104 of the Government Code. However, after review of the

information at issue and consideration of the arguments, we find you have failed to establish the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the college may not withhold any of the submitted information under section 552.104(a) of the Government Code. The college must release the submitted information.

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,

Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/gw

Ref: ID# 817625

Enc. Submitted documents

c: Requestor  
(w/o enclosures)