



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 3, 2016

Mr. Marc J. Schnall
Counsel for the City of Selma
Langley & Banack, Inc.
745 East Mulberry, Suite 900
San Antonio, Texas 78212

OR2016-02566

Dear Mr. Schnall:

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# 597097.

The City of Selma (the "city"), which you represent, received a request for bids submitted for the purchase of two specified pieces of land. You claim some of 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.

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 city represents the information at issue pertains to a competitive bidding situation. The city informs this office it rejected all bids pertaining to the sale of the land at issue and states it anticipates the city will make a new offer to sell the land. Thus, the city states release of the information would cause harm to the city because such release would "adversely affect the [c]ity's ability to obtain the maximum value for the property in question, if, as, and when those properties are once again offered for sale by the [c]ity." After review of the information at issue and consideration of the arguments, we find the city has established the release of the information it has marked would give advantage to a competitor or bidder. Thus, we conclude the city may withhold

the marked information under section 552.104(a) of the Government Code. As the city has raised no further exceptions to disclosure, the city must release the remaining 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 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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 597097

Enc. Submitted documents

c: Requestor
(w/o enclosures)