



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 26, 2016

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

OR2016-04634

Dear Mr. Schnell:

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# 600048.

The City of Selma (the "city"), which you represent, received a request for information relating to a specified bid for property. The city claims some of the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception the city claims 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 city states the information it has marked pertains to a competitive bidding situation. In addition, the city states release of the information it has marked would adversely affect the city's ability to obtain the maximum value for the property in question. 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 information it has marked under section 552.104(a). As no other exceptions are raised, 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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 600048

Enc. Submitted documents

c: Requestor
(w/o enclosures)