



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 2, 2016

Ms. Leslie O. Haby  
Assistant District Attorney  
Bexar County District Attorney's Office  
101 West Nueva, 7<sup>th</sup> Floor  
San Antonio, Texas 78205

OR2016-12585

Dear Ms. Haby:

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# 615112 (BCDA File# 5134).

Bexar County (the "county") received a request for any documents related to services, technology, and equipment acquired by the county from five specified vendors during a specified time period. 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.

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). You represent the information pertains to current and future competitive bidding situations. In addition, you state the county's "contract negotiation position could be impaired in future solicitations due to the information that could be gained from one bidder reviewing the other proposals." After review of the submitted information and consideration of the arguments, we find the county has established the release of the submitted information would give advantage to a competitor or bidder. Thus, we conclude the county may withhold the submitted information under section 552.104(a).

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](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,



Sean Nottingham  
Assistant Attorney General  
Open Records Division

SN/akg

Ref: ID# 615112

Enc. Submitted documents

c: Requestor  
(w/o enclosures)