



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 28, 2016

Ms. Hadassah Schloss
Director, Open Government
Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873

OR2016-14623

Dear Ms. Schloss:

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# 616358.

The Texas General Land Office (the "GLO") received a request for all proposals submitted in response to a request for qualifications for grant administration services. 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 proprietary interests of Riveron Corporation; GrantWorks, Inc.; CB&I Environmental and Infrastructure, Inc.; James W. Turner Construction, Ltd. ("Turner"); Providence Technical Services, L.L.C.; Metric Engineering ("Metric"); AECOM; Atkins North America, Inc. ("Atkins"); Home L.L.P. ("Home"); Langford Community Management Services; Carrera Management Group, L.L.C. d/b/a H2Bravo; CohnReznick, L.L.P. ("CohnReznick"); and Ardurra Group. Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code § 552.305(d); see also Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances).* We have received comments from Turner,

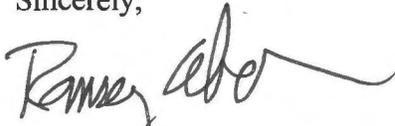
Metric, Atkins, Horne, and CohnReznick. We have considered the submitted arguments and reviewed the submitted information.

You assert the submitted information is excepted from disclosure in its entirety under section 552.104 of the Government Code. Section 552.104 excepts from disclosure “information that, if released, would give advantage to a competitor or bidder.” Gov’t Code § 552.104. 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). You state the submitted information pertains to a competitive bidding situation. In addition, you state, at the time of the request for information, no contract had been signed with regard to the services at issue. Accordingly, you assert all the requested information must be withheld until such time as a contract has been signed in order for the GLO to obtain more favorable terms. After review of the information at issue and consideration of your arguments, we find the GLO has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the GLO may withhold the submitted information under section 552.104(a).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 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,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/dls

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

Ref: ID# 616358

Enc. Submitted documents

c: Requestor
(w/o enclosures)

13 Third Parties
(w/o enclosures)