



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 27, 2016

Ms. Amy Benya
Senior Assistant General Counsel
Lone Star College
5000 Research Forest Drive
The Woodlands, Texas 77381-4356

OR2016-16912

Dear Ms. Benya:

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# 620297 (ORR# PUB Rec-16-00043).

Lone Star College (the "college") received a request for the evaluation matrix for request for proposals number 424. You state the college has released some of the requested information. 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 college represents the information at issue pertains to a competitive bidding situation. In addition, the college states the submitted information relates to services for which the college solicits bids on a regular basis. The college argues release of the pricing information of non-winning bidders would decrease the pool of future and repeat bidders for services solicited by the college, thus hindering the college's ability to obtain the best value. After review of the information at issue and consideration of the arguments, we find the college has established the release of the

information at issue would give advantage to a competitor or bidder. Thus, we conclude the college may withhold the pricing information of non-winning bidders under section 552.104(a) of the Government Code.

You also ask this office to issue a previous determination that would permit the college to withhold information under section 552.104 of the Government Code without requesting a ruling from this office. *See* Open Records Decision No. 673 (2001). We decline to issue such a previous determination at this time. Accordingly, 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# 620297

Enc. Submitted documents

c: Requestor
(w/o enclosures)