



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 29, 2016

Mr. Brian J. Knowles  
Counsel for City of Giddings  
Sheets & Crossfield, P.C.  
309 East Main Street  
Round Rock, Texas 78664

OR2016-21984

Dear Mr. Knowles:

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# 628555.

The City of Giddings (the "city"), which you represent, received a request for the current price schedule for residential and commercial waste services for the city and the latest invoice from the current contractor for residential and commercial waste services for the city. 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.

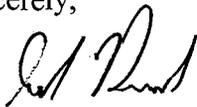
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). You state the submitted information pertains to a competitive bidding situation. You also state, although the information does not pertain to an ongoing bidding situation, the "requestor is a competitor of the current contract vender and may bid on the contract when the current contract expires in August 2017." You argue "disclosing current price schedules and the latest invoice from the current contractor will result in a bidding advantage to the requestor because the pricing structure is a major component of how . . . bids are scored by the [c]ity." After review of the submitted

information and consideration of your arguments, we find you have established release of the submitted information would give advantage to a competitor or bidder. Thus, we conclude the city may withhold the submitted information under section 552.104(a) of the Government Code.

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,



Sidney M. Pounds  
Assistant Attorney General  
Open Records Division

SMP/akg

Ref: ID# 628555

Enc. Submitted documents

c: Requestor  
(w/o enclosures)