



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 15, 2014

Mr. Warren M.S. Ernst
City Attorney
Office of the City Attorney
City of Dallas
1500 Marilla Street, Room 7DN
Dallas, Texas 75201

OR2014-08307

Dear Mr. Ernst:

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# 522711.

The City of Dallas (the "city") received a request for records concerning the city's bid to host the Republican National Convention (the "RNC") in 2016. You state you have released some information to the requestor. You claim the remaining information is excepted from disclosure under sections 552.104, 552.107, 552.110, 552.111, 552.131, and 552.137 of the Government Code. You further claim that the submitted information may contain proprietary information subject to exception under the Act. You state, and provide documentation showing, that you notified interested third parties of the city's receipt of the request for information and their right to submit arguments to this office as to why the requested information should not be released to the requestor. *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 submitted on behalf of some of the notified third parties. We have considered the submitted arguments and reviewed the submitted information.¹

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Initially, we note in a letter dated April 15, 2014, the city states it wishes to withdraw its request for an open records decision for a portion of the submitted information because the requestor subsequently narrowed his request to exclude “any information contained in the [city’s] bid itself, including anything related to hotels.” Accordingly, we find this information is not responsive to the request. This ruling does not address the public availability of non-responsive information, and the city need not release it in response to this request. However, we will consider the remaining submitted information.

Section 552.104 of the Government Code excepts from disclosure “information that, if released, would give advantage to a competitor or bidder.” Gov’t Code § 552.104. This exception protects a governmental body’s interests in connection with competitive bidding and in certain other competitive situations. *See* Open Records Decision No. 593 (1991) (construing statutory predecessor). This office has held that a governmental body may seek protection as a competitor in the marketplace under section 552.104 and avail itself of the “competitive advantage” aspect of this exception if it can satisfy two criteria. *See id.* First, the governmental body must demonstrate that it has specific marketplace interests. *See id.* at 3. Second, the governmental body must demonstrate a specific threat of actual or potential harm to its interests in a particular competitive situation. *See id.* at 5. Thus, the question of whether the release of particular information will harm a governmental body’s legitimate interests as a competitor in a marketplace depends on the sufficiency of the governmental body’s demonstration of the prospect of specific harm to its marketplace interests in a particular competitive situation. *See id.* at 10. A general allegation of a remote possibility of harm is not sufficient. *See* Open Records Decision No. 514 at 2 (1988).

You contend the city has specified marketplace interests in the responsive information because the city is competing against other cities to host the 2016 RNC. You state there has been no final selection by the RNC site selection committee. You state the information in Exhibit D reveals bid preparation and bid strategy that if released would give advantages to other bidders. Based on these representations and our review, we find you have demonstrated the city has specific marketplace interests and may be considered a “competitor” for purposes of section 552.104. We also find you have demonstrated release of the information at issue would cause specific harm to the city’s marketplace interests in a particular competitive situation. Accordingly, the city may withhold Exhibit D under section 552.104 of the Government Code.²

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.

²As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information

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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/som

Ref: ID# 522711

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Kerri Kincheloe
Holiday Inn Dallas Central-Park Cities
6060 North Central Expressway
Dallas, Texas 75206
(w/o enclosures)

Ms. Nicole Considine
Fairmont Hotel Dallas
1717 North Akard Street
Dallas, Texas 75201
(w/o enclosures)

Ms. Sonny Mir
Embassy Suites Dallas Near the Galleria
14021 Noel Road
Dallas, Texas 75240
(w/o enclosures)

Ms. Shelly Campbell
Hilton Dallas Park Cities
5954 Luther Lane
Dallas, Texas 75225
(w/o enclosures)

Mr. Santa Avalier
Hilton Dallas Lincoln Centre
5410 LBJ Freeway
Dallas, Texas 75240
(w/o enclosures)

Mr. Chris Watson
Hyatt Regency Dallas at Reunion
300 Reunion Boulevard
Dallas, Texas 75207
(w/o enclosures)

Ms. Thys Jones
Hilton Garden Inn - Dallas Market
Center
2325 North Stemmons Freeway
Dallas, Texas 75207
(w/o enclosures)

Ms. Kristina Dickerson
Sheraton Dallas
400 North Olive Street
Dallas, Texas 75201
(w/o enclosures)

Ms. Lindsay McIlroy
The Joule, Dallas
1530 Main Street
Dallas, Texas 75201
(w/o enclosures)

Ms. Teddi Davis
Hyatt House Dallas/Park Central
12411 North Central Expressway
Dallas, Texas 75243
(w/o enclosures)

Mr. Chris Puntureri
Fairfield Inn & Suites Dallas Market
Center
2110 Market Center Boulevard
Dallas, Texas 75207
(w/o enclosures)

Ms. Lisa Richards
Wyndham Dallas Love Field
3300 West Mockingbird Lane
Dallas, Texas 75235
(w/o enclosures)

Mr. Sam Tucker
Hotel Palomar
5300 East Mockingbird Lane
Dallas, Texas 75206
(w/o enclosures)

Ms. Karen Weaver
Hotel Zaza Dallas
2332 Leonard Street
Dallas, Texas 75201
(w/o enclosures)

Mr. Perry Hughes
MCM Elegante Hotel & Suites
2330 West Northwest Highway
Dallas, Texas 75220
(w/o enclosures)

Ms. Beth Pacheco
Homewood Suites by Hilton Hotel
2747 North Stemmons Freeway
Dallas, Texas 75207
(w/o enclosures)

Ms. Michelle Fisher
Le Meridien Dallas by the Galleria
13402 Noel Road
Dallas, Texas 75240
(w/o enclosures)

Mr. Matt Sciarrino
Westin Park Central
12720 Merit Drive
Dallas, Texas 75251
(w/o enclosures)

Mr. Steve Tremewan
Wyndham Dallas Suites Park Central
7800 Alpha Road
Dallas, Texas 75240
(w/o enclosures)

Mr. Michael Szymanski
Omni Mandalay Hotel Las Colinas
221 East Las Colinas Boulevard
Irving, Texas 75039
(w/o enclosures)

Mr. Mark Woelffer
Renaissance Dallas Hotel
2222 North Stemmons Freeway
Dallas, Texas 75207
(w/o enclosures)

Ms. Ashley Kibbe
Holiday Inn Express Hotel & Suites
333 West John Carpenter Freeway
Irving, Texas 75039
(w/o enclosures)

Ms. Sylvia Smith
Holiday Inn Dallas Market Center
4500 Harry Hines Boulevard
Dallas, Texas 75219
(w/o enclosures)

Ms. Lou Ann Jordan
Sheraton Dallas Hotel by the Galleria
4801 LBJ Freeway
Dallas, Texas 75244-6002
(w/o enclosures)

Ms. Brooke Danielsen
Springhill Suites Dallas
Downtown/West End
1907 North Lamar
Dallas, Texas 75202
(w/o enclosures)

Ms. Abby Morgan
Warwick Melrose Hotel Dallas
3015 Oak Lawn Avenue
Dallas, Texas 75219
(w/o enclosures)

Ms. Michele Jones
Embassy Suites Dallas Love Field
3880 West Northwest Highway
Dallas, Texas 75220
(w/o enclosures)

Ms. Debra Carter
Holiday Inn Dallas Convention Center
1011 South Akard Street
Dallas, Texas 75215
(w/o enclosures)

Ms. Jennifer Caldwell
Dallas Marriott Quorum by the Galleria
14901 Dallas Parkway
Dallas, Texas 75254
(w/o enclosures)

Mr. Andy Osborne
Homewood Suites by Hilton Dallas
Downtown
1025 Elm Street
Dallas, Texas 75202
(w/o enclosures)

Ms. Noeha Coutry
The Ritz-Carlton Dallas
2121 McKinney Avenue
Dallas, Texas 75201
(w/o enclosures)

Ms. Michele Clement
W Dallas - Victory
2440 Victory Park Lane
Dallas, Texas 75219
(w/o enclosures)

Ms. Andrea Sorensen
The Westin Galleria Dallas
13340 Dallas Parkway
Dallas, Texas 75240
(w/o enclosures)

Ms. Rachel Donaway
Embassy Suites Dallas Market Center
2727 Stemmons Freeway
Dallas, Texas 75207
(w/o enclosures)

Ms. Trish Cubias
Embassy Suites Dallas Park Central
13131 North Central Expressway
Dallas, Texas 75243
(w/o enclosures)

Mr. Bob McPherrin
Hilton Anatole Hotel
2201 Stemmons Freeway
Dallas, Texas 75207
(w/o enclosures)

Ms. Sharon Vaughn
Hotel Indigo
1933 Main Street
Dallas, Texas 75201
(w/o enclosures)

Mr. Sam Tucker
Le Meridien Dallas The Stoneleigh
2927 Maple Avenue
Dallas, Texas 75201
(w/o enclosures)

Ms. Sarah O'Rourke
Magnolia Hotel Dallas
1401 Commerce Street
Dallas, Texas 75201
(w/o enclosures)

Ms. Stacey Jackson
Crowne Plaza Dallas Downtown
1015 Elm Street
Dallas, Texas 75202
(w/o enclosures)

Ms. Melissa Hampton
Doubletree Hotel Campbell Centre
8250 North Central Expressway
Dallas, Texas 75206
(w/o enclosures)

Mr. Lance Peters
Four Seasons Resort and Club Las
Colinas
4150 North MacArthur Boulevard
Irving, Texas 75038
(w/o enclosures)

Ms. Traci Rockafellow
Residence Inn by Marriott Market Center
6950 North Stemmons Freeway
Dallas, Texas 75247
(w/o enclosures)

Ms. Christina Lichvar
Omni Dallas Hotel
555 South Lamar Street
Dallas, Texas 75202
(w/o enclosures)

Mr. Randy Elmore
Hotel Lumen
6101 Hillcrest Avenue
Dallas, Texas 75205
(w/o enclosures)

Ms. Nour Laasri
Dallas Marriott City Center
650 North Pearl Street
Dallas, Texas 75201
(w/o enclosures)

Mr. Darren Temple
Dallas Convention & Visitor Bureau
325 North St. Paul Street, Suite 700
Dallas, Texas 75201
(w/o enclosures)

Mr. Thomas Forthofer
Doubletree by Hilton Dallas near
Galleria
4099 Valley View Lane
Dallas, Texas 75206
(w/o enclosures)

Ms. Marisol Lopez
NYLO Dallas South Side
1325 South Lamar Street
Dallas, Texas 75215
(w/o enclosures)

Mr. Tory Maguire
Director, Member Services
Republican National Committee
310 First Street Southeast
Washington, D.C. 20003
(w/o enclosures)

Ms. Debra Carter
Aloft Dallas
1033 Young Street
Dallas, Texas 75202
(w/o enclosures)

Mr. Steven Shove
Candlewood Suites Dallas Market
Center
7930 North Stemmons Freeway
Dallas, Texas 75247
(w/o enclosures)

Ms. Mallory Clark
Courtyard by Marriott Market Center
2150 Market Center Boulevard
Dallas, Texas 75207
(w/o enclosures)

Ms. Eileen Corrigan
Doubletree Hotel Dallas Market Center
2015 Market Center Boulevard
Dallas, Texas 75206
(w/o enclosures)

Mr. Perry Hughes
MCM Elegante Hotel & Suites
2330 West Northwest Highway
Dallas, Texas 75220
(w/o enclosures)

Mr. Jason Tyson
Sheraton Suites Market Center
2101 Stemmons Freeway
Dallas, Texas 75207
(w/o enclosures)

Mr. Jim Gabler
Adolfus Hotel
1321 Commerce Street
Dallas, Texas 75202
(w/o enclosures)

Ms. Lena Liles
Belmont Hotel
901 Fort Worth Avenue
Dallas, Texas 75208
(w/o enclosures)

Mr. David Little
Cooper Hotel, Conference Center, & Spa
12230 Preston Road
Dallas, Texas 75230
(w/o enclosures)

Ms. Maria Ventura
Crowne Plaza Dallas Market Center
1015 Elm Street
Dallas, Texas 75202
(w/o enclosures)

Ms. Erica Gerken
Dallas Marriott Suites Market Center
2943 North Stemmons Freeway
Dallas, Texas 75207
(w/o enclosures)

Ms. Dedra Frazier
MCM Grand Hotel and FunDome
1515 North I-35 East
DeSoto, Texas 75115
(w/o enclosures)

Mr. Lawrence Williams
Hampton Inn & Suites Mesquite
1700 Rodeo Drive
Mesquite, Texas 75149
(w/o enclosures)

Ms. Danielle McCoy
La Quinta Inn & Suites Dallas North
Central
10001 North Central Expressway
Dallas, Texas 75231
(w/o enclosures)

Mr. John Phillippe
Chief Counsel
Republican National Committee
310 First Street, NE
Washington, D.C. 20003
(w/o enclosures)

Ms. Caitlin Waters
Hyatt House Dallas/Uptown
2914 Harry Hines Boulevard
Dallas, Texas 75201
(w/o enclosures)

Ms. Jennifer Girgus
Rosewood Crescent Hotel
400 Crescent Court
Dallas, Texas 75201
(w/o enclosures)

Mr. Jonathon M. Spigel
Counsel for the Dallas Starwood Hotels
Cowles & Thompson
901 Main Street, Suite 3900
Dallas, Texas 75202
(w/o enclosures)