



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 5, 2014

Mr. Benjamin Castillo  
Counsel for Hidalgo Independent School District  
O'Hanlon, Rodriguez, Betancourt & Demerath  
220 South Jackson Road  
Edinburg, Texas 78539

OR2014-15688

Dear Mr. Castillo:

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# 535305.

The Hidalgo Independent School District (the "district"), which you represent, received a request for information pertaining to a specified RFQ. 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 of the Government Code excepts from required public disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The purpose of section 552.104 is to protect the purchasing interests of a governmental body in competitive bidding situations where the governmental body wishes to withhold information in order to obtain more favorable offers. *See* Open Records Decision No. 592 (1991). Section 552.104 protects information from disclosure if the governmental body demonstrates potential harm to its interests in a particular competitive situation. *See* Open Records Decision No. 463 (1987). Generally, section 552.104 does not except information pertaining to a completed bidding process for which a contract has been executed. *See* Open Records Decision No. 541 (1990).

You inform us the submitted information relates to an on-going bidding process wherein no actual contract has been awarded to any party to date. You assert the release of the

information while negotiation of proposed contracts is in progress would necessarily result in an advantage to certain bidders at expense of others and could be detrimental to public interest. Based on your representations and our review, we find the district has demonstrated public release of the submitted information would cause specific harm to the district's interests in a particular competitive situation. Therefore, the district may withhold the submitted information under section 552.104 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,



Rahat Huq  
Assistant Attorney General  
Open Records Division

RSH/dls

Ref: ID# 535305

Enc. Submitted documents

c: Requestor  
(w/o enclosures)