



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 2, 2014

Mr. Ross Laughead
General Counsel
District Office of Legal Services
Alamo Colleges
201 West Sheridan, Building C-8
San Antonio, Texas 78204-1429

OR2014-21737

Dear Mr. Laughead:

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# 545464.

The Alamo Community College District (the "district") received a request for the scoring for the price and technical sections of the district's evaluations for CSP 14M-011. You claim the requested information is excepted from disclosure under sections 552.104 and 552.111 of the Government Code. We have considered the exceptions 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 bids from disclosure after bidding is completed and the contract has been executed. *See* Open Records Decision No. 541 (1990).

You state the submitted information pertains to services for which the district sought competitive sealed proposals. You explain, although the district's board of trustees has

chosen winning bidders, the contracts with these bidders have not been negotiated or signed. Thus, you state "the selection process is not complete, and it is possible that [the district] could re-advertise seeking new proposals with the same or revised criteria[.]" You assert release of the information could give competitors an unfair advantage. Based on your representations and our review, we conclude the district has demonstrated how release of the submitted information would harm its interests in a competitive situation. Accordingly, the district may withhold the submitted information under section 552.104 of the Government Code until the contracts are executed.¹ See Open Records Decision No. 170 at 2 (1977) (release of bids while negotiation of proposed contract is underway could necessarily result in advantage to certain bidders at expense of others and could be detrimental to public interest in contract under negotiation).

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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/akg

Ref: ID# 545464

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of the submitted information.