



February 20, 2015

Ms. Doreen E. McGookey  
General Counsel  
Fort Worth Employees' Retirement Fund  
801 Hulen Street, Suite 101  
Fort Worth, Texas 76107

OR2015-03347

Dear Ms. McGookey:

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# 555811.

The Fort Worth Employees' Retirement Fund (the "fund") received a request for a specified contract price. 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.

Initially, we note, with the exception of the contract price at issue, the submitted information is not responsive to the instant request for information because it does not consist of the requested contract price. This ruling does not address the public availability of non-responsive information, and the fund is not required to release non-responsive information in response to this request.

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 state the submitted responsive information relates to an existing contract executed by the fund. However, you explain there is also an outstanding Request for Proposals (“RFP”) for the same services. Further, you state the fund is waiting for responses to the RFP. You contend release of the submitted responsive information “will interfere with the [f]und’s duty in obtaining the best pricing for its pension administration system.” Based on your representations and our review, we find you have demonstrated public release of the submitted responsive information would cause specific harm to the fund’s interests in a particular competitive bidding situation. Therefore, the fund may withhold the submitted responsive 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,



Paige Thompson  
Assistant Attorney General  
Open Records Division

PT/dls

Ref: ID# 555811

Enc. Submitted documents

c: Requestor  
(w/o enclosures)