



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 22, 2015

Mr. Rodolfo Santos, Jr.
Assistant City Attorney
City of Laredo
P.O. Box 579
Laredo, Texas 78042-0579

OR2015-10024

Dear Mr. Santos:

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# 566913 (City Ref. No. W004754-031915).

The City of Laredo (the "city") received a request for documents submitted by Sustech of America and First Recycling in response to the city's request for qualifications pertaining to a specified project. You claim the requested 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) (statutory predecessor to section 552.104 designed to protect interests of governmental body in competitive situation, and not interests of private parties submitting information to government). 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).

In this instance, the city states the submitted information consists of third party proposals pertaining to a cancelled solicitation. The city informs us that it anticipates another solicitation for this project, which will solicit offers for the same services as outlined in the first solicitation and implicate the same competitive interests, will be issued at a later date. The city asserts release of the requested records would result in an unfair advantage to other bidders. Based on these representations and our review, we conclude the city has demonstrated that release of the submitted information would harm its interests in a competitive situation. Therefore, the city may withhold the submitted information pursuant to 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, 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 566913

Enc. Submitted documents

c: Requestor
(w/o enclosures)