



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 6, 2015

Mr. Jose Monsivais
Assistant County Attorney
El Paso County Hospital District Legal Unit
Eighth Floor, Suite B
4815 Alameda Avenue
El Paso, Texas 79905

OR2015-13538

Dear Mr. Monsivais:

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# 570156 (HM-15-035).

The El Paso County Hospital District d/b/a University Medical Center of El Paso (the "district") received a request for signed contracts, evaluation or score sheets, pricing, reports relating to contract performance, and a list of companies that requested and submitted a proposal for RFP 935-06/14-001. You state you will release some information. 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(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, No. 12-1007, slip op. at 17 (Tex. June 19, 2015). You represent the information pertains to a competitive bidding situation. In addition, you state release of the submitted information would disadvantage the district in negotiations with the selected vendor with whom a contract has not been executed and it could allow competitors to undercut future bids. Further, you state the district will solicit bids for the same goods or

services on a recurring basis. After review of the information at issue and consideration of the arguments, we find the district has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the district may withhold the Exhibit C under section 552.104(a) 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,



Katelyn Blackburn-Rader
Assistant Attorney General
Open Records Division

KB-R/akg

Ref: ID# 570156

Enc. Submitted documents

c: Requestor
(w/o enclosures)