



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 7, 2015

Ms. Gina Licata Adams
General Counsel
County of Bexar
Bexar County Juvenile Probation Department
301 East Mitchell Street
San Antonio, Texas 78210-3845

OR2015-13638

Dear Ms. Adams:

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# 570399.

The Bexar County Juvenile Probation Department (the "department") received a request for information pertaining to a specified request for proposals. The department claims the requested information is excepted from disclosure under sections 552.104 and 552.110 of the Government Code. The department also states it notified Noble Software Group, LLC ("Noble") of the department's receipt of the request for information and of Noble's right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). In correspondence to this office, Noble asserts some of its information is excepted from release under section 552.110 of the Government Code. We have reviewed the submitted arguments and information.

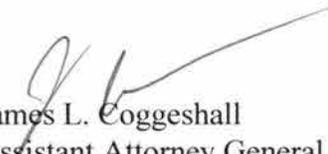
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, No. 12-1007, slip op. at 17 (Tex. June 19, 2015). The department represents

the submitted information pertains to a competitive bidding situation. In addition, the department states Noble was the “successful offeror” for the request for proposal at issue, but the underlying contract has not been executed. After review of the information at issue and consideration of the arguments, we find the department has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the department may withhold the submitted information under section 552.104(a).¹

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/cbz

Ref: ID# 570399

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Aaron Picton
Noble Software Group
1320 Yuba Street, Suite 212
Redding, California 96001
(w/o enclosures)

¹As our ruling is dispositive, we do not address the other arguments to withhold this information.