



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 19, 2015

Ms. Laura Russell
Attorney
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3291

OR2015-17237

Dear Ms. Russell:

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# 576756 (TPWD #2015-06-R10).

The Texas Parks and Wildlife Department (the "department") received a request for a copy of a specified assessment. You claim portions of the submitted information are excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

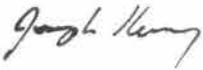
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, No. 12-1007, 2015 WL 3854264, at *9 (Tex. June 19, 2015). You represent the submitted information pertains to a repair project for which the department will open a competitive bidding process in the future. In addition, you state that disclosing the submitted information will allow bidders to adjust product quantity and pricing based on the information. You state disclosure of the marked information will undermine the competitive bidding process and prevent the department from obtaining the best offer. Based on your representations, we conclude 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 information you have marked 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,



Joseph Keeney
Assistant Attorney General
Open Records Division

JDK/eb

Ref: ID# 576756

Enc. Submitted documents

c: Requestor
(w/o enclosures)