



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 22, 2015

Ms. Mariví Gambini
Paralegal
City Attorney's Office
City of Irving
P.O. Box 152288
Irving, Texas 75015-2288

OR2015-26998

Dear Ms. Gambini:

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# 591678.

The City of Irving (the "city") received a request for information submitted by two specified bidders on a specified city project. 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.

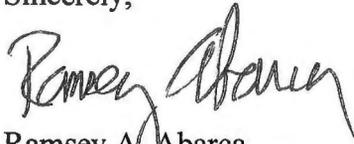
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). You represent the information at issue pertains to a competitive bidding situation. You state the bids at issue are in different stages of the city's procurement process and no final executed contract has been awarded. You assert release of the information at issue would adversely impact the city's ability to negotiate and place the city in a competitive disadvantage in its negotiations of a final agreement. After review of the information at issue and consideration of the arguments, we find the city has established the release of the information at issue would give advantage to a competitor or

bidder. Thus, we conclude the city may withhold the submitted information under section 552.104(a).

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,

A handwritten signature in black ink, appearing to read "Ramsey Abarca". The signature is written in a cursive, flowing style.

Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/dls

Ref: ID# 591678

Enc. Submitted documents

c: Requestor
(w/o enclosures)