



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 20, 2016

Mr. James R. Evans, Jr.
Counsel for the Gonzales County Appraisal District
Hargrove & Evans, L.L.P.
4425 Mopac South, Building 3, Suite 400
Austin, Texas 78735

OR2016-01474

Dear Mr. Evans:

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# 594672.

The Gonzales County Appraisal District (the "district"), which you represent, received a request for records pertaining to a specified request for proposals. You claim the submitted information is excepted from disclosure under sections 552.101, 552.104, and 552.110 of the Government Code. Additionally, you state release of this information may implicate the proprietary interests of First National Bank of Shiner and Prosperity Bank ("Prosperity"). Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of their rights to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (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). We have received arguments from Prosperity. We have considered the submitted arguments and reviewed the submitted information.

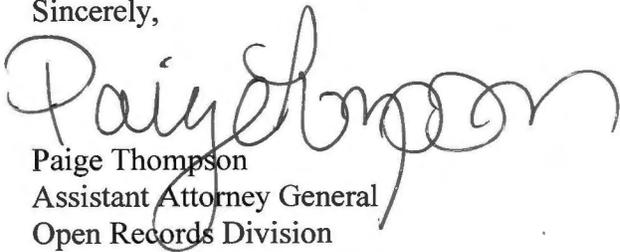
Initially, we note some of the submitted information is not responsive to the instant request because it pertains to information that was received by the district after the date of the request. This ruling does not address the public availability of any information that is not responsive to the request and the district is not required to release such information in response to this request.

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 pertains to a competitive bidding situation. In addition, you state a winner has been selected but no contract has been signed. You state the district was in the process of finalizing the contract on the date it received the request for information. 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 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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/sb

Ref: ID# 594672

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address the remaining arguments against disclosure of the submitted information.

Ms. Krystal Shipman
Assistant Vice President, Legal
Prosperity Bank
80 Sugar Creek Center Boulevard
Sugar Land, Texas 77478
(w/o enclosures)

Mr. Michael D. Kalina
Senior Vice President
First National Bank of Shiner
P.O. Box 607
Shiner, Texas 77984-0607
(w/o enclosures)