



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 24, 2016

Mr. Michael VanderBurg
General Counsel
Legislative Budget Board
P.O. Box 12666
Austin, Texas 78711-2666

OR2016-06715

Dear Mr. VanderBurg:

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# 604313.

The Legislative Budget Board (the "board") received a request for all quality assurance team documents for the Texas Department of Transportation (the "department") enterprise content management solution project during a specified period of time. Although the board takes no position on whether the submitted information is excepted from disclosure, you state its release may implicate the interests of the department. Accordingly, you have notified the department of the request pursuant to section 552.304 of the Government Code. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from the department. We have considered the submitted arguments 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." *Id.* § 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). The department represents the information at issue pertains to a competitive bidding situation. In addition, the department states the specific competitive procurement is currently pending and release of the submitted information at this time would "undermine the contract procurement process." After review of the information at issue and

consideration of the arguments, we find the department has established the release of the information would give advantage to a competitor or bidder. Thus, we conclude the board may withhold the submitted information under section 552.104(a) of the Government Code.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 Lay
Assistant Attorney General
Open Records Division

PL/som

Ref: ID# 604313

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Sarah Parker
Associate General Counsel
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483
(w/o enclosures)

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