



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 9, 2016

Ms. Hadassah Schloss
Director of Open Government
Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873

OR2016-10529

Dear Ms. Schloss:

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# 609143.

The Texas General Land Office (the "GLO") received a request for the following information pertaining to request for proposals X0008279-DF: contact information of the organization awarded a contract; contract award date, period, and amount; list of organizations that responded to the request for proposals; and a copy of the winning proposal. You state the GLO does not have information responsive to portions of the request.¹ 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.

You assert the submitted information is excepted from disclosure in its entirety under section 552.104 of the Government Code. Section 552.104 excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104. The "test under section 552.104 is whether knowing another bidder's [or

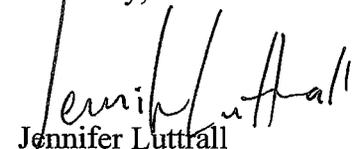
¹We note the Act does not require a governmental body to disclose information that did not exist at the time the request was received. *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dism'd); Attorney General Opinion H-90 (1973); Open Records Decision Nos. 452 at 2-3 (1986), 342 at 3 (1982), 87 (1975); *see also* Open Records Decision Nos. 572 at 1 (1990), 555 at 1-2 (1990), 416 at 5 (1984).

competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831, 841 (Tex. 2015). You represent the information pertains to a competitive bidding situation. In addition, you state, at the time of the request for information, no contract had been signed with regard to the procurement at issue and, until a contract is signed, either party may withdraw from the process. Accordingly, you assert it is imperative all of the requested information be withheld until such time as a contract has been signed. After review of the information at issue and consideration of your arguments, we find the GLO has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the GLO 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,


Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/akg

Ref: ID# 609143

Enc. Submitted documents

c: Requestor
(w/o enclosures)