



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 17, 2010

Ms. Caroline E. Cho
Assistant County Attorney
Williamson County, Texas
Williamson County Courthouse
405 Martin Luther King, #7
Georgetown, Texas 78626

OR2010-03777

Dear Ms. Cho:

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#375664.

Williamson County (the "county") received a request for several categories of bid information regarding project RFP 10WCP901. You claim that 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 of the Government Code protects from required public disclosure "information which, if released, would give advantage to competitors or bidders." Gov't Code § 552.104. The purpose of section 552.104 is to protect the purchasing interests of a governmental body in competitive bidding situations where the governmental body wishes to withhold information in order to obtain more favorable offers. *See* Open Records Decision No. 592 (1991). Section 552.104 protects information from disclosure if the governmental body demonstrates potential harm to its interests in a particular competitive situation. *See* Open Records Decision No. 463 (1987). Generally, section 552.104 does not except bids from disclosure after bidding is completed and the contract has been awarded. *See* Open Records Decision No. 541 (1990).

You assert release of the requested information at this stage in the bidding process would harm the county's ability to negotiate a final agreement. Based on your representations, we conclude the county may withhold the requested documents and correspondence under section 552.104 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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Vanessa Burgess
Assistant Attorney General
Open Records Division

VB/jb

Ref: ID#375664

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Larry Bartek
Bartek Construction
P.O. Box 200203
San Antonio, Texas 78220
(w/o enclosures)

Mr. Wesley R. Lee
Henkles & McCoy, Inc.
515 Huffines Boulevard
Lewisville, Texas 75056
(w/o enclosures)

Ms. Kelly Thomas
Carroll Systems
4707 Commercial Park Drive
Austin, Texas 78724
(w/o enclosures)

Mr. John P. Howell
Universal Cable Services, Inc.
25292 West 150th Terrace
Olathe, Kansas 66061
(w/o enclosures)

Mr. Steve Purcell
Phoenix Installation Services, LLC
9975 High Country Lane
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