



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 11, 2011

Mr. Jeffrey L. Moore
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2011-04968

Dear Mr. Moore:

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# 415277.

The City of Forney (the "city"), which you represent, received a request for a contract and letter terminating services pertaining to Pate Engineers. You state the city has provided most of the requested information to the requestor. You claim a portion of the submitted information consisting of a guaranteed maximum price document 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 inform us the guaranteed maximum price document was the subject of a previous ruling issued by this office. In Open Records Letter No. 2010-03595 (2010), we concluded the city may withhold the guaranteed maximum price document under section 552.104 of the Government Code. As we have no indication that the law, facts, and circumstances on which that ruling was based have changed, the city may continue to rely on Open Records Letter No. 2010-03595 as a previous determination and withhold the guaranteed maximum price document in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same

governmental body, and ruling concludes that information is or is not excepted from disclosure).¹ The remaining submitted information must be released.

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,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/tf

Ref: ID# 415277

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As we are able to make this determination, we do not address your argument against disclosure.