



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 25, 2010

Ms. Ashley Allen  
Legal Services Division  
Texas General Land Office  
P.O. Box 12873  
Austin, Texas 78711

OR2010-12932

Dear Ms. Allen:

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# 391866.

The Texas General Land Office (the "GLO") received a request for information reflecting the money awarded to contractors for a particular change made to contracts for painting services. 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.

Section 552.104 of the Government Code excepts from required public disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The purpose of this exception is to protect a governmental body's interests in competitive bidding situations. See Open Records Decision No. 592 (1991). Section 552.104 requires a showing of some actual or specific harm in a particular competitive situation; a general allegation that a competitor will gain an unfair advantage will not suffice. Furthermore, section 552.104 generally does not protect information relating to competitive bidding situations once a contract has been awarded. See Open Records Decision No. 541 at 4;(1990). However, this office has determined that under some circumstances, section 552.104 may apply to information pertaining to an executed contract where the governmental body solicits bids for the same or similar goods or services on a recurring basis. *Id.*

You state the submitted information pertains to a contract for painting veterans nursing homes. Although we understand this information pertains to a contract that has already been executed with JNA Painting, you state Request for Proposals No. 01652-DR, seeking bids on painting services for a veterans nursing home, was pending on the date the GLO received the instant request. You claim release of the submitted information at this time would "prevent the GLO from getting the best price possible" in this ongoing bidding process. Further, you explain the GLO solicits bids for painting veterans nursing homes on a regular basis and intends to solicit several such bids in the coming year. Based on these representations, we find that release of the submitted information would harm the interests of the GLO in a particular ongoing competitive situation. We therefore conclude that the requested information is excepted from disclosure 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](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,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/tp

Ref: ID# 391866

Enc. Submitted documents

c: Requestor  
(w/o enclosures)