



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 8, 2010

Mr. Eric Bentley
Assistant General Counsel
University of Houston System
E. Cullen Building, Suite 311
Houston, TX 77204-2162

OR2010-13626

Dear Mr. Bentley:

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# 396977.

The University of Houston (the "university") received two requests for a list of bidders and the amount of each bid related to a specified construction project.¹ 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 excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." The purpose of section 552.104 is to protect a governmental body's interests in competitive bidding situations. *See* Open Records Decision No. 592 (1991). Moreover, 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. Open Records Decision No. 541 at 4 (1990). Section 552.104 does not except information relating to competitive bidding situations once a contract has been awarded. Open Records Decision Nos. 306 (1982), 184 (1978).

You state the university is currently involved in negotiations with one of the bidders, and no contract is in effect at this time. You argue that if negotiations were to fail, the release of the pricing, terms, and services offered by each vendor could allow alternate bidders the competitive opportunity to improve their negotiating positions at the expense of the

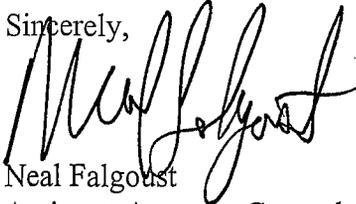
¹You inform us that the first requestor has withdrawn his request for information.

university. Based on the information provided and your representations, we agree that the university may withhold the requested information 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,



Neal Falgout
Assistant Attorney General
Open Records Division

NF/eb

Ref: ID# 396977

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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