



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 20, 2011

Ms. Zeena Angadicheril
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2011-01006

Dear Ms. Angadicheril:

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# 406411 (OGC#s 133968, 133969, and 133994).

The University of Texas System (the "system") received three requests from separate requestors for contact information for bidders who attended the pre-proposal conference for IFO No. BOR-10-15-10, relating to obtaining a consultant for performance of information security compliance effectiveness reviews. 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 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).

We note the submitted information consists of names and contact information of potential bidders who attended the system's pre-proposal conference. You state bidding relating to the relevant contract has closed, the system has not selected a winning bidder, and no final agreement exists at this time. You assert releasing the potential bidders' contact information "could harm [the s]ystem's ability to negotiate the best possible terms for the contract because bidders could contact each other and potentially influence the prices that are bid." As noted above, these potential bidders all attended the same pre-proposal conference, where they presumably had contact with one another. Upon review, we find you have failed to establish release of the information at issue would cause a specific threat of actual or potential harm to the system's interests in a specific competitive situation. *See* ORD 592. Thus, we conclude you have failed to establish the applicability of section 552.104 of the Government Code to the submitted information, and the system may not withhold it on that basis. As you raise no further exception to disclosure of the submitted information, the system must release it to the requestors.

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,



Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/em

Ref: ID# 406411

Enc. Submitted documents

c: Requestors
(w/o enclosures)