



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 28, 2013

Ms. Glenda Liles
Office Manager
Armstrong Water Supply Corporation
P.O. Box 155
Holland, Texas 76534

OR2013-05036

Dear Ms. Liles:

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# 482894.

The Armstrong Water Supply Corporation (the "corporation") received a request for the bid/proposal form for two specified projects. 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.

Initially, we note the requestor is only seeking bid/proposal forms and, therefore, the remainder of the contract documents and specifications you have submitted are not responsive to the request. This ruling does not address the public availability of non-responsive information, and the corporation is not required to release non-responsive information in response to this request.

Next, we must address the applicability of section 552.007 of the Government Code to the submitted information. Section 552.007 provides that if a governmental body voluntarily releases information to any member of the public, the governmental body may not withhold such information from further disclosure unless its public release is expressly prohibited by law or the information is confidential under law. *See* Gov't Code § 552.007; Open Records Decision No. 518 at 3 (1989); *see also* Open Records Decision No. 400 (1983) (governmental body may waive right to claim permissive exceptions to disclosure under the

Act, but it may not disclose information made confidential by law). You state the information at issue is contained in "bound contract documents and specification books prepared and distributed . . . to potential bidding contractors and suppliers." You further state the corporation maintains one set of these documents available for viewing. Section 552.104 is a discretionary exception under the Act and does not make information confidential under law or expressly prohibit its release for purposes of section 552.007. See Gov't Code § 552.007; Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions in general), 592 (1991) (stating that governmental body may waive section 552.104). Accordingly, as the responsive information has already been made available to the public, the corporation may not now withhold that information under section 552.104 of the Government Code. As you raise no further exceptions to disclosure, the responsive 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,



Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/bhf

Ref: ID# 482894

Enc. Submitted documents

c: Requestor
(w/o enclosures)