



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

October 25, 1990

Mr. Michael R. Davis
Assistant General Counsel
Texas Department of Criminal Justice
Institutional Division
P.O. Box 99
Huntsville, Texas 77342-0099

OR90-513

Dear Mr. Davis:

By letter of September 12, 1990, you referred to us a request for information under the Open Records Act, V.T.C.S. art. 6252-17a, filed with your agency by a bidder seeking the award of a construction contract. We designated your letter ID# 10626.

The requestor seeks the "Contractor's Qualifications Section" of bids on a new prison unit submitted by two companies. Although bids have been received, no contract has been awarded. You claim that section 3(a)(4) of the Open Records Act excepts this information from disclosure.

Section 3(a)(4) permits a governmental body to withhold information in bids submitted to it until the contract has been awarded. Open Records Decisions Nos. 170 (1977); 46 (1974). Accordingly, you may withhold the requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-513.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/le

Ref.: ID# 10626

Enclosure: Open Records Decision Nos. 46, 170

cc: Raleigh Roussell
Executive Vice President
Dallas Chapter Associated
General Contractors
11111 Stemmons Freeway
Dallas, Texas 75229