



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 15, 1992

Mr. Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug Abuse
720 Brazos, Suite 403
Austin, Texas 78701-2506

OR92-18

Dear Mr. Dickson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12446.

You have received a request for information relating to certain bid proposals. Specifically, the requestor seeks "information pertaining to the Selection Criteria as described in the RFP," including "the results of the evaluations and the assigned percentages for each bidder." You claim that the results of the evaluations are excepted from required public disclosure by section 3(a)(11) of the Open Records Act.

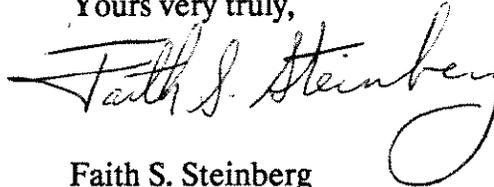
We have considered the exception you claimed and have reviewed the documents submitted to us. Previous open records decisions have determined that section 3(a)(11) excepts intra- or interagency memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policy-making or deliberative process. Open Records Decision No. 464 (1987) at 2-3. However, facts and written observations of fact which are severable from material excepted under section 3(a)(11) must be disclosed. Open Records Decision No. 582 (1990).

The document submitted to us for review contains the recommendations and opinions of those who reviewed the bid proposals and includes a numerical rating by

which the proposals are ranked. We conclude that such information is of the type normally excepted from required public disclosure under section 3(a)(11). However, information relating to the criteria by which the proposals were ranked must be released. For your convenience, we have marked the information which may be withheld under section 3(a)(11) of the Open Records Act.

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 OR92-18.

Yours very truly,



Faith S. Steinberg
Assistant Attorney General
Opinion Committee

FS/GK/lcd

Enclosures: Marked Documents

Ref.: ID# 12446

cc: Mr. Chip Wolfe, President
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