



Office of the Attorney General

State of Texas

August 24, 1992

DAN MORALES

ATTORNEY GENERAL

Ms. Dealey Herndon  
Executive Director  
State Preservation Board  
P. O. Box 13286  
Austin, Texas 78711

OR92-507

Dear Ms. Herndon:

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# 16680.

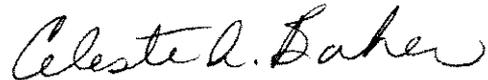
The State Preservation Board has received a request for information relating to previous bids for the interior preservation work on the state capitol building. Specifically, the requestor seeks "the public records related to the public bidding which occurred in September, 1991 . . . [including] a copy of the bid form and copies of the bid tabulation documents . . . [but] if the bid tabulation forms do not contain every item of information requested of the bidders, . . . copies of all bids submitted in the second round of bidding in September, 1991."

You advise us that you do not object to release of some of the requested information. You claim, however, that the remaining information is excepted from required public disclosure by section 3(a)(4) of the Open Records Act. Section 3(a)(4) permits withholding of "information which, if released, would give advantage to competitors or bidders." *See, e.g.,* Open Records Decision Nos. 402 (1983); 170 (1977); Attorney General Opinion MW-591 (1982). The protection of section 3(a)(4) normally extends only until the date the contract takes effect. *See* Open Records Decision No. 306 (1982). We are advised that the contract at issue here was executed on July 31, 1992. Accordingly, the section 3(a)(4) exception is no longer applicable, and the requested information must be released in its entirety.

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 OR92-507.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/GCK/lmm

Ref.: ID# 16680

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