



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 29, 1994

Ms. Cynthia J. Hill  
Senior Supervising Attorney  
City of Austin  
Department of Law  
P.O. Box 1088  
Austin, Texas 78767-8828

OR94-779

Dear Ms. Hill:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27437.

The City of Austin (the "city") received an open records request for copies of proposals submitted by two engineering firms in response to the city's request for proposal.<sup>1</sup> You contend that the requested proposals may be withheld from the public pursuant to section 552.104 of the Open Records. Section 552.104 of the Open Records Act protects from required public disclosure "information which, if released, would give advantage to competitors or bidders." The purpose of section 552.104 is to protect a governmental body's interests in a commercial context by keeping some competitors or bidders from gaining unfair advantage over other competitors or bidders. Open Records Decision No. 541 (1990) at 4.

However, section 552.104 does not protect proposals or bids once the bidding process is over and a contract is awarded. *Id.* at 5. Since you have informed this office that the city has entered into a contract with one of the engineering firms that submitted a proposal, the proposals may not be withheld from disclosure under section 552.104. The requested proposals must therefore be released to the requestor.

---

<sup>1</sup>The requestor also asked for certain information from the team that evaluated the proposals, including individual score sheets, internal memoranda, letters and minutes of meetings. You have informed the requestor that the city does not have any information that would be responsive to that 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 contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Government Section

RHS/rho

Ref.: ID# 27437

Enclosures: Submitted documents

cc: Ray D. Ullrich, P.E.  
Office Manager  
Power Engineers  
2804 Longhorn Blvd.  
Austin, Texas 78758  
(w/o enclosures)