



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 30, 1996

Ms. Kathleen Weisskopf
Assistant City Attorney
City of Arlington
P.O. Box 231
Arlington, Texas 76004-0231

OR96-1791

Dear Ms. Weisskopf:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101150.

The City of Arlington (the "city") received two requests for information concerning bids for the city's depository services. You assert that the requested information is excepted from required public disclosure based on section 552.104 of the Government Code.

Section 552.104 applies to "information that, if released, would give advantage to a competitor or bidder." The exception applies to information submitted to a governmental body in response to a competitive bidding notice or request for proposals. Section 552.104 does not except bids from public disclosure after bidding is completed and the contract has been awarded. *See* Open Records Decision No. 541 (1990).

You inform us that the city is in the process of negotiating the terms of the contract with Texas Commerce Bank for submission to the city council for its approval. You also say that the city has made no formal and final award of the contract. We conclude that the city may withhold the requested information based on section 552.104 until such time as the contract is finalized.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 101150

Enclosures: Submitted documents

cc: Ms. Brenda Stringer
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