



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 24, 1997

Mr. Tracy A. Pounders
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR97-2579

Dear Mr. Pounders:

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# 110360.

The City of Dallas (the "city") received a request for a variety of information related to the proposed new sports arena, including correspondence with the owners and representatives of the Dallas Stars (the "Stars") and Dallas Mavericks (the "Mavericks"). You state that some of the information requested was the subject of other requests for opinions from this office, which we issued as Open Records Letter No. 97-1874 (1997) and Open Records Letter No. 97-2235 (1997). The city should rely on our rulings in Open Records Letter No. 97-1874 and Open Records Letter No. 97-2235 for the information covered by both rulings.

The current request asks for the profit & loss statements on Reunion Arena since 1985, an accounting from 1982 on all bond funds accounts, transfers to and from all special accounts and any paperwork on the city's 1997 offer(s) for a new arena. You have submitted representative samples of the information responsive to the pending request, and assert that portions of the requested information are excepted from required public disclosure based on Government Code sections 552.103, 552.104, 552.105(1), 552.107(1), 552.111 and 552.305. We will therefore address your newly raised arguments and review the submitted information under Exhibits B and C.¹

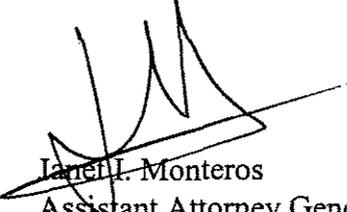
¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.104 protects from required public disclosure "information which, if released, would give advantage to competitors or bidders." Section 552.104 is generally invoked to except information relating to competitive bidding situations involving specific commercial or contractual matters from required public disclosure. Open Records Decision No. 463 (1987). Governmental bodies may withhold bid information while governmental officials are in the process of evaluating the proposals and asking competitors to clarify their bids. Open Records Decision No. 170 (1977). Section 552.104 does not, however, except bids or proposals from disclosure once the bidding is over and the contract is in effect. Open Records Decision Nos. 306 (1982), 184 (1978).

You state that the city is currently negotiating with representatives of two professional sports teams for the construction of a new downtown sports facility, and that release of the information relating to the teams' proposals contained in Exhibit B and Exhibit C would hamper the city's ability to negotiate a favorable deal. Upon review of the information contained in Exhibit B and Exhibit C, we conclude the information may be withheld from disclosure under section 552.104 until the contract for the construction of the facility has been awarded.²

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,



Janell L. Monteros
Assistant Attorney General
Open Records Division

JIM/alg

Ref.: ID# 110360

Enclosures: Marked documents

²As we address the information under section 552.104, we need not address the other exceptions raised.

cc: Mr. Dave Evans
Senior Reporter
WFAA - TV
606 Voling Street
Dallas, Texas 75202
(w/o enclosures)