



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 21, 1998

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR98-2260

Dear Ms. Nguyen:

You ask 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# 119273.

The City of Houston (the "city") received a request for information relating to certain bid requests. You state that you will release some of the requested information. However, you claim that documents relating to the bids for Fire Pumper Apparatus are excepted from disclosure under sections 552.103, 552.104, and 552.107 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

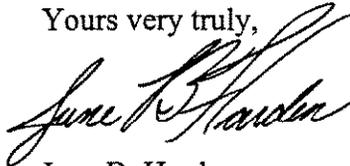
Section 552.104 protects from required public disclosure "information which, if released, would give advantage to competitors or bidders." Section 552.104 is generally invoked to except information relating to competitive bidding situations involving specific commercial or contractual matters. Open Records 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 has been reviewing bids for the purchase of Fire Pumper Trucks and is in the process of making an award recommendation to the city council. You also state that no contract has been awarded or approved by the city. Based on your representations, we conclude that the city may withhold the submitted information pursuant to section 552.104. Once the competitive bidding process is completed and a contract has

been awarded, the city may not continue to withhold this information under section 552.104. Open Records Decision No. 541 at 5 (1990).

Because we are able to make a determination under section 552.104, we need not address your additional arguments against disclosure. We are resolving this matter with an 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 should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 119273

Enclosures: Submitted documents

cc: Mr. Randy Burton
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(w/o enclosures)