



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 21, 1998

Mr. Dennis P. Duffy
General Counsel
University of Houston System
E. Cullen Building, Room 212
Houston, Texas 77204-2162

OR98-2261

Dear Mr. Duffy:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119803.

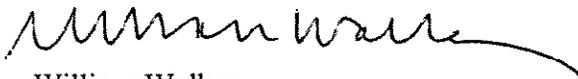
The University of Houston System (the "system") received a request for "the evaluation committee's findings" in regard to the proposals which were submitted in response to the system's request for offers for provision of software for the system and its component institutions. You seek to withhold the requested information under section 552.104 of the Government Code.

Section 552.104 protects from required public disclosure "information that, if released, would give advantage to a competitor or bidder." The purpose of section 552.104 is to protect the government's interests when it is shown that the release of information could cause specific harm in a particular competitive situation. *See, e.g.*, Open Records Decision No. 463 (1987). In these situations, the exception protects the government's interests in obtaining the most favorable proposal terms possible by denying access to proposals and related information prior to the award of a contract.

You indicate that the contract has not yet been awarded in the competitive process to which the requested information pertains. We have examined the information at issue. Based on your representations, we conclude that you may withhold the requested information at this time under section 552.104. Please note however, that section 552.104 does not except information related to a competitive situation once the contract is awarded or once it is determined that no contract will be awarded. *See* Open Records Decision Nos. 306 (1982); 184 (1978); 201 (1978).

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 119803

Enclosures: Submitted documents

cc: Mr. Tom Bossie
SAP America Public Sector, Inc.
6 Concourse Parkway
Atlanta, Georgia 30328
(w/o enclosures)