



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 3, 1998

Ms. Martha T. Williams
Port of Houston Authority
111 East Loop North
Houston, Texas 77029-4327

OR98-2578

Dear Ms. Williams:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119328.

The Port of Houston Authority (the "authority") received a request for "any and all records relating to any bids, proposals, correspondence or communications that the Port of Houston may have prepared or received in connection with the real property and related improvements at the intersection of Texas and Crawford in downtown Houston, commonly referred to as the World Trade Building, prior to June 22, 1998." You have released some of the requested information. You seek to withhold the remaining portions of the requested information under sections 552.104 and 552.105 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 by permitting withholding of information in order for the government to obtain more favorable offers. *See* Open Records Decision No. 592 (1991).

You advise that the authority owns the property which is the subject of the request, and that development in the downtown area has created interest in the property. You say that "[i]ndividuals and corporations have approached the Port Authority with proposals for various types of development for the property," and that on June 22, 1998, the authority issued a request for proposals (the "RFP") for lease or purchase of the property. *See* Water Code §60.040 (notice requesting bids must be published before sale or lease of land for more than ten years). The request here seeks only records "prepared or received ... prior to June 22, 1998," but you say the authority expects that many of the entities who made proposals prior to the issuance of the RFP will submit bids in response to the RFP. You contend that

release of the information at issue would "have a profoundly adverse effect on the Port Authority's obligation to obtain the highest and best bid for the property."

We have considered your arguments and reviewed the information at issue. We conclude that you may withhold the information at this time under section 552.104.¹ Accordingly, we need not address your section 552.105 claim.

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# 119328

Enclosures: Submitted documents

cc: Ms. Patricia S. Ekstrum
Harris County-Houston Sports Authority
1220 Post Oak Boulevard, Suite 416
Houston, Texas 77056
(w/o enclosures)

¹Please note that section 552.104 generally does not except bid or proposal information from disclosure once the bidding is over and the contract is in effect -- Open Records Decision Nos. 306 (1982), 184 (1978) -- or where no contract is awarded -- Open Records Decision No. 201 (1978).