OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

July 21, 1999

Mr. Tony Resendez
Escamilla & Poneck, Inc.
1200 South Texas Building
603 Navarro Street
San Antonio, Texas 78205-1826

OR99-2053

Dear Mr. Resendez:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127562.

You assert that the requested information is excepted from disclosure based on section 552.104 of the Government Code.[1] Section 552.104 states that information is excepted from required public disclosure if release of the information would give advantage to a competitor or bidder. The purpose of this exception is to protect the interests of a governmental body usually in competitive bidding situations. *See* Open Records Decision No. 592 (1991). This exception protects information from public disclosure if the governmental body demonstrates potential harm to its interests in a particular competitive situation. *See* Open Records Decision No. 463 (1987). Generally, section 552.104 does not except bids from public disclosure after bidding is completed and the contract has been awarded. *See* Open Records Decision 541 (1990).

In this case, you inform us that the contract has not been awarded. We therefore conclude that the information is excepted from disclosure based on section 552.104 until such time as the contract is awarded.

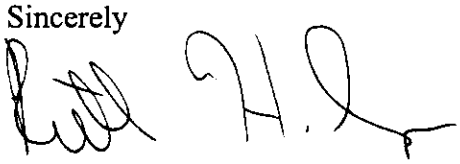
In light of our conclusion under section 552.104, we need not address the other exceptions raised, if any. We are resolving this matter with this informal letter ruling rather than with

[1]We note that if any of this information was released to the public, it is not protected under section 552.104.

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.

Sincerely



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 127562

Encl: Submitted documents

cc: Mr. Donald R. O'Haver II
President
O'Haver Contractors
12720 O'Connor Road
San Antonio, Texas 78233-5535
(w/o enclosures)