



August 6, 1999

Mr. David L. Hay
Dallas County Community College District
R.L. Thornton, Jr. Building
701 Elm Street
Dallas, Texas 75202-3299

OR99-2208

Dear Mr. Hay:

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# 127472.

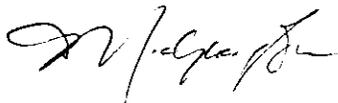
The Dallas County Community College District (the "district") received an open records request for "all proposals for audit services recently submitted in accordance with [the district's] Request for Proposal 9895." You relate that release of the responsive information implicates the interests of third parties. You do not contend that the requested information is excepted from required public disclosure, but rather have sought a decision from this office pursuant to section 552.305 of the Government Code as to whether the district must disclose the requested information.

This office notified representatives of the parties whose interests are implicated that we received your request for an open records decision regarding their respective proposals. In our letter to those companies, this office requested that they provide an explanation as to why portions of their proposals were excepted from public disclosure, with the caveat that their failure to do so within a reasonable time would result in this office instructing the district to disclose the information.

Although both Deloitte & Touche and Arthur Andersen contend that their respective proposals are excepted from required public disclosure, both of those companies have failed to provide this office with any explanation as to why the exceptions they raised apply to the information at issue. Because neither the district nor the two companies that submitted proposals have established that the requested information should be withheld, we have no basis for concluding that any of the exceptions raised by these two companies apply in this instance. *See* Open Records Decision No. 552 (1990). The district must release the requested proposals at this time.

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.

Sincerely,



Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/RWP/nc

Ref.: ID# 127472

Encl. Submitted documents

cc: Mr. William P. Hanley
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(w/o enclosures)

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