



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 3, 2011

Mr. Edward Sosa
Chief Legal Officer
El Paso County Hospital District
4815 Alameda Avenue, 8th Floor, Suite B
El Paso, Texas 79905

OR2011-03133

Dear Mr. Sosa:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 410576.

The El Paso County Hospital District d/b/a University Medical Center of El Paso (the "district") received a request for the final vote by the district's technical selection team on the MDCT unit for the children's hospital pursuant to RFP # 720-08/10-005. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.104(a) of the Government Code excepts from required public disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The purpose of section 552.104 is to protect the purchasing interests of a governmental body in competitive bidding situations where the governmental body wishes to withhold information in order to obtain more favorable offers. *See* Open Records Decision No. 592 (1991). Section 552.104 protects information from 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 disclosure after bidding is completed and the contract has been executed. *See* Open Records Decision No. 541 (1990).

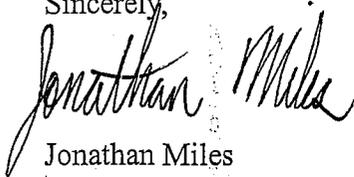
You state the bidding process has not been concluded and no contract has been executed. You assert disclosure of the submitted information at this time would give an advantage to

competitors or other bidders and negatively impact negotiations. Based on your representations and our review, we conclude the district has demonstrated how release of the submitted information would harm its interests in a competitive situation. Accordingly, the district may withhold the submitted information under section 552.104 of the Government Code until the contract is executed.

Although you request a previous determination regarding this type of information, we decline to issue such a ruling at this time. This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 410576

Enc. Submitted documents

c: Requestor
(w/o enclosures)