



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTON  
ATTORNEY GENERAL

October 22, 1990

Mr. Michael Anthony Moss  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR90-506

Dear Mr. Moss:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10735.

The City of Houston received an open records request for, inter alia, evaluations of bids submitted to the city in response to its Request For Proposals for a long-distance telephone service contract. The requestor also seeks the "selection criteria" used by the city in evaluating the bids. You contend that this information comes under the protection of section 3(a)(11) of the Open Records Act.

Section 3(a)(11) protects advice, opinion, or recommendation intended for use in the deliberative process. Open Records Decision No. 464 (1987). In Open Records Decision No. 429 (1985), this office indicated that information protected by section 3(a)(11) must be prepared by a person or entity with an official reason or duty to provide the information in question. See also Open Records Decision Nos. 283, 273 (1981). This helps assure that the information plays a role in the deliberative process; if it does not, it is not entitled to protection under section 3(a)(11). Open Records Decision No. 464.

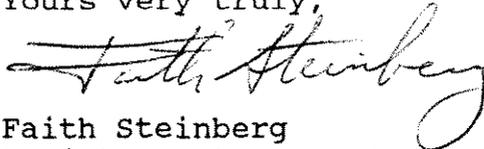
The documents you submitted to this office consist primarily of numerical scores awarded to the proposals with regard to various criteria. These scores represent the evaluators' opinions of the proposals and as such come under the protection of section 3(a)(11). On the other hand, the formulae used to compute the scores and the criteria by which the evaluators compared the relative strengths and weaknesses of the proposals do not consist of advice,

opinion, or recommendation. You have raised none of the act's other exceptions to required public disclosure with regard to this information; consequently the criteria and formulae must be released.

You also contend that section 3(a)(11) protects an inter-office memorandum that explains the reasons that the least costly proposal was not recommended for the contract. We agree that this memorandum may be withheld in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-506.

Yours very truly,



Faith Steinberg  
Assistant Attorney General  
Opinion Committee

FS/RWP/le

Ref.: ID# 10735

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