



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

January 24, 1991

Ms. Jo Shuffield, Buyer
Town of Addison
Finance Department
P.O. Box 144
Addison, Texas 75001

OR91-058

Dear Ms. Shuffield:

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# 9184.

The Town of Addison received an open records request for "the bid responses to the City of Addison Request For Bid for Computer Hardware and Software for the Police and Fire Departments." You state that you notified all of the companies that submitted proposals to the city about the open records request so that those companies could submit legal arguments to this office as to whether and to what extent their proposals contained trade secrets or other confidential proprietary information.

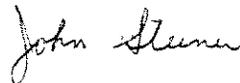
Of the eight companies so notified, five did not respond to this office at all, and another made only general arguments that its proposal is made confidential by law. Because this office is unable to determine that any portion of these companies' proposals are confidential, the proposals of these six companies must be released in their entirety.

On the other hand, McDonnell Douglas Computer Systems Company and EAI Systems, Inc., both made compelling arguments that certain technical information contained in their proposal constitutes trade secrets and so comes under the protection of section 3(a)(10) of the Open Records Act. This office does not believe, nor have these two companies cited legal authority that indicates, that in this instance pricing proposals submitted to the city constitute trade secrets or sensitive financial information. See Open Records Decision No. 306 (1982) (pricing information generally may be withheld only during the bid submission process

pursuant to section 3(a)(4)). You may therefore withhold the sections designated as "Product Specifications" and "Application Software Specifications" from the McDonnell Douglas/EAI Systems proposal; the remaining portions of the proposal, including pricing information, and all attachments to the purchase agreement between McDonnell Douglas Computer Systems Company and the town of Addison must be released.

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 OR91-058.

Yours very truly,



John Steiner *by SG*
Assistant Attorney General
Opinion Committee

JS/RWP/le

Ref.: ID# 10464
ID# 9184
ID# 9264
ID# 9275
ID# 9346
ID# 10004
ID# 10105
ID# 10129

Enclosures: Submitted documents

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