



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

April 29, 1991

Mr. Geoffrey S. Connor
Deputy General Counsel
Texas Department of Agriculture
P. O. Box 12847
Austin, Texas 78711

OR91-219

Dear Mr. Connor:

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# 11721.

The request you received seeks "a copy of the proposal submitted by Andersen Consulting for consulting services to the Texas Department of Agriculture." It is not clear from your letter whether the proposal at issue has been awarded. You suggest that section 3(a)(4) of the Open Records Act excepts the proposal from disclosure.

Section 3(a)(4) excepts "information which, if released, would give advantage to competitors or bidders." It is well established that section 3(a)(4) is applicable prior to the award of a contract in a particular matter, but that it is inapplicable when the bidding on a contract has been completed and the contract is in effect. If bidding has been completed in the situation you pose, and the contract is in effect, then section 3(a)(4) may not be invoked to withhold the proposal. Open Records Decision Nos. 541 (1990); 514 (1988); 319 (1982).

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 OR91-219.

Yours very truly,


Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/lcd

Ref.: ID# 11721

Enclosure: Open Records Decision Nos. 541 (1990); 514 (1988); 319 (1982).

cc: Mr. H.E. Wieland
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