



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

July 3, 1991

Ms. Susan G. Spinks  
Assistant University Counsel  
University of Houston System  
Office of University Counsel  
1600 Smith, Suite 3400  
Houston, Texas 77002

OR91-319

Dear Ms. Spinks:

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# 12112.

You have forwarded to us for review copies of the proposals submitted to the University of Houston System by six different accounting firms in response to a recent competitive solicitation. You have also forwarded to us the requests that you have received from the various accounting firms for copies of their competitors' proposals. Pursuant to section 7(c) of the Open Records Act, this office by letter notified each of the six accounting firms of their rights under that provision. In our letters, we indicated that we would direct the University of Houston System to disclose the proposals if we did not receive responses establishing that the requested information was within one of the act's exceptions to disclosure. Five of the six companies have not provided us any information concerning the applicability of the exceptions to disclosure under the Open Records Act. Those five companies are Ernst & Young, KPMG Peat Marwick, Price Waterhouse, Arthur Andersen & Co., and Deloitte & Touche. Since the time period that we provided in our letters to the firms to respond has expired, you must release to the various requestors all of the contents of the proposals submitted by those five firms. Attorney General Opinion JM-672 (1987); H-436 (1974).

The sixth firm, Coopers & Lybrand, has submitted a legal brief objecting to the disclosure of certain portions of its proposal pursuant to section 3(a)(10) of the

act. Those portions of the proposal concern the firm's Ten Task Approach/Methodology and the firm's client list and the accompanying descriptions of the firm's engagements with various clients on the list. Under the decision of this office in Open Records Decision No. 552 (1990) (copy enclosed), this office is obliged to accept the firm's claims that the material may be withheld pursuant to section 3(a)(10) if a *prima facie* case for non-disclosure is made, and no argument is presented that rebuts the claims as a matter of law. In the present instance, a *prima facie* case has been made for non-disclosure of the client list and accompanying engagement descriptions and the description of the firm's Ten Task Approach/Methodology. In addition, no rebuttal has been submitted. Thus, we have highlighted in yellow the portions of the firm's proposal that contain the protected material and which you must withhold from disclosure. The remaining portions of the proposal must be disclosed since the firm has not established a *prima facie* case for withholding those portions. *See generally* Attorney General Opinions JM-672; H-436; *see also* Open Records Decision Nos. 319 (1982) (professional references and pricing data generally disclosable); 175 (1977) (resumes listing education and experience disclosable).

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 OR91-319.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/lb

Ref.: ID# 12112

Enclosures: Documents, Open Records Decision No. 552; Attorney General Opinions 0JM-672 and H-436.

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