



Office of the Attorney General
State of Texas

July 17, 1992

DAN MORALES
ATTORNEY GENERAL

Dr. Kenneth E. Beasley
Chief Administrative Officer
City of El Paso
Two Civic Center Plaza
El Paso, Texas 79901-1196

OR92-408

Dear Dr. Beasley:

The City of El Paso asks whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 16055.

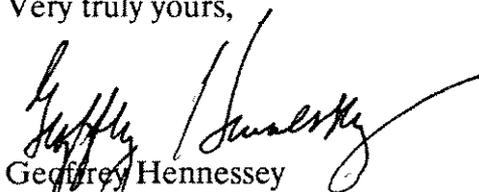
The City of El Paso has solicited proposals from computer services vendors to provide maintenance services for the El Paso Police Department. The City of El Paso has received a request from Responsive Services International, a computer services vendor, for disclosure of all proposals of all vendors that responded to the request for proposal. You have advised that the city is still reviewing all proposals, and that no contract has been awarded to date. The city objects to public disclosure of the proposals until a contract is awarded because the city is concerned that the negotiation process would be inhibited by the public release of information contained in proposals by other vendors prior to award.

Section 3(a)(4) of the Open Records Act excepts from public disclosure "information which, if released, would give advantage to competitors or bidders." The principal purpose of section 3(a)(4) is to protect the interests of a governmental body that relate to competition for a contract or benefit, such as in a competitive bidding situation, where the government may wish to withhold information in order to obtain more favorable offers. Open Records Decision No. 592 at 8 (1991). It is intended to protect the interests of the governmental body. *Id.* We conclude that the requested information may be withheld pursuant to section 3(a)(4) pending contract negotiations and until a contract is awarded.

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 any questions about this ruling, please refer to OR92-408.

Very truly yours,



Geoffrey Hennessey
Assistant Attorney General
Opinion Committee

GH/lmm

Ref.: ID# 16055
ID# 16204

cc: Mr. Robert W. Pratt
Executive Vice President
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