



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 7, 1993

Ms. Laura S. Portwood  
Senior Assistant City Attorney  
City of Houston  
Legal Department  
P. O. Box 1562  
Houston, Texas 77251-1562

OR93-433

Dear Ms. Portwood:

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# 20723.

The City of Houston received an open records request for certain records. You say the requestor may inspect most of the requested information. However, you contend you may withhold from the public pursuant to section 3(a)(4) of the Open Records Act bidding information pertaining to contracts that the city has not yet awarded.

Section 3(a)(4) protects from required public disclosure "information which, if released, would give advantage to competitors or bidders." This exception is generally invoked to except information submitted to a governmental body as part of a bid or similar proposal. *See, e.g.,* Open Records Decision No. 463 (1987). Governmental bodies may withhold this type of information while the governmental officials are in the process of evaluating the proposals and may ask the competitors to clarify their bids. *Cf.* Open Records Decision No. 170 (1977). Section 3(a)(4) does not, however, except bids or proposals from disclosure once the bidding is over and the contract is in effect. Open Records Decision Nos. 306 (1982); 184 (1978).

Because you state that the City of Houston has not yet awarded the contracts, you may withhold the submitted proposals at this time pursuant to section 3(a)(4). Release of this information during the time that competitors may clarify, modify, or withdraw their proposals could result in an advantage to the other competitors for the contract or damage the city's ability to obtain truly competitive bids.

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 contact this office.

Yours very truly,



Kay Hamilton Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/RWP/jmn

Ref.: ID# 20723

cc: Mr. Wayne Dolcefino  
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