



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 28 1996

Mr. Dave Roush
Airport Manager
Victoria Regional Airport
Route 6
Victoria, Texas 77904

OR96-0270

Dear Mr. Roush:

You have asked this office to determine if certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 25276.

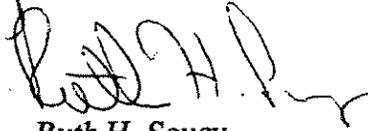
Victoria County received an open records request for certain records that you contended could withheld from the public pursuant to section 552.104 of the Open Records Act. Section 552.104 of the Open Records Act protects from required public disclosure "information which, if released, would give advantage to competitors or bidders." Section 552.104 is generally invoked to except information submitted to a governmental body as part of a bid or similar proposal. *See* 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 552.104 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).

If the contract has not yet been awarded, you may withhold the requested information from disclosure. However, section 552.104 is not applicable if the contract has been awarded.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written over a printed name.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 25276

cc: Mr. Gerry Shore
Dynasty Aviation
Route 6, Bldg. 520
Victoria Regional Airport
Victoria, Texas 77904
(w/o enclosures)