



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 16, 1996

Mr. Richard S. Hill
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR96-0557

Dear Mr. Hill:

You ask whether 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# 39053.

Harris County (the "county") has received a request for the bids submitted to the county in the proposed sale of Jefferson Davis Hospital. You have submitted a copy of the requested information to this office and assert that this information is excepted from required public disclosure by sections 552.104 of the Government Code.

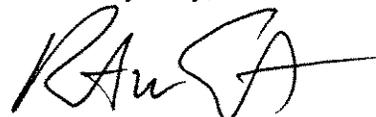
Section 552.104 of the Open Records Act protects from required public disclosure "information which, if released, would give advantage to competitors or bidders." Section 552.104 is generally invoked to except information submitted to a governmental body as part of a bid or similar proposal. *See* Open 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).

You have stated that no contract has been awarded and that the bidders may still clarify their bids prior to an awarding of the contract. Therefore, you may withhold the requested information under section 552.104.

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 'RWSA', with a long horizontal flourish extending to the right.

Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/ch

Ref.: ID# 39053

Enclosures: Submitted documents

cc: Mr. Scott F. Brion
JPI
One Riverway
Suite 1700
Houston, Texas 77056
(w/o enclosures)