



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 30, 1996

Michael D. McKinney, M.D.
Commissioner
Texas Health and Human Services Commission
P.O. Box 13247
Austin, Texas 78711

OR96-1799

Dear Commissioner McKinney:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101339.

The Texas Health and Human Services Commission (the "Commission") received two requests for information concerning Texas Integrated Enrollment Services. You state that the Commission will release some of the requested information. You assert that portions of the requested information are excepted from public disclosure based on section 552.104 and 552.111 of the Government Code.

Section 552.104 of the Government Code excepts from public disclosure "information that, if released, would give advantage to a competitor or bidder." This exception applies to information submitted to a governmental body in response to a competitive bidding notice or request for proposals. Section 552.104 generally does not except information from public disclosure after bidding is completed and the contract has been awarded. *See* Open Records Decision No. 541 (1990).

We have considered the arguments you have made. We conclude that the Commission may withhold from public disclosure the information at issue based on section 552.104 of the Government Code until such time as the contract is awarded.¹

¹In light of our decision based on section 552.104, we need not address your section 552.111 claim at this time.

We are resolving this matter with this 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 may 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,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 101339

Enclosures: Submitted documents

cc: Ms. Judy Graves
Organizer
Texas State Employees Union/CWA
2656 South Loop West, #345
Houston, Texas 77054
(w/o enclosures)

Ms. Suzanne Gamboa
Capitol Reporter
Austin American-Statesman
P.O. Box 670
Austin, Texas 78767-0670
(w/o enclosures)