



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 28, 1996

Mr. Allan G. Little
Director, Business Enterprises Program
Texas Commission for the Blind
P.O. Box 12866
Austin, Texas 78711

OR96-1949

Dear Mr. Little:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101450.

The Texas Commission for the Blind (the "commission") received a request for information concerning "Solicitation No. DAKF49-94-R-0013 For Food Service at Fort Sam Houston, Texas." You claim that the requested information is excepted from disclosure under federal law.

Section 3.104-5 of the Federal Acquisition Regulations, provides, in part:

(a) Except as specifically provided for in this subsection, no person or other entity may disclose proprietary or source selection information to any person other than a person authorized by the Head of the Agency to receive such information.

* * *

(b)(2) Information contained in a bid or proposal that bears the legend required by 3.104-4(j)(2) shall be considered to be proprietary information for purposes of the Act.

FAR 3.104-5(a), (b)(2).

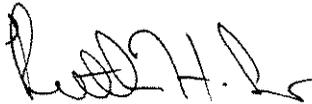
Additionally, a competing contractor is prohibited from soliciting or obtaining, directly or indirectly, from the federal agency any proprietary or source information regarding a procurement. FAR 3.104-3(a)(3). Federal agency officials are similarly

prohibited from disclosing this proprietary or source information during the procurement process. FAR 3.104-3(b)(3).

This office was provided with a "representative sample" of the information requested.¹ You also provided us with a copy of the legend required by FAR 3.104-4(j)(2). We agree that the requested information is confidential under federal law as applied through section 552.101 of the Government Code and thus must be withheld from disclosure.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling may be relied upon as a "previous determination" for purposes of section 552.301. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 101450

Enclosures: Submitted documents

cc: Mr. Theodore M. Bailey, P.C.
115 East Travis Street
Milam Building, Suite 711
San Antonio, Texas 78205-1611
(w/o enclosures)

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²Because this information is confidential under federal law, we need not address your other arguments against disclosure.

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