



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 26, 1996

Mr. Frank Rene Lopez
Lewis & Collins
1220 Montana Avenue
El Paso, Texas 79902

OR96-2235

Dear Mr. Lopez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101959.

The Ysleta Independent School District (the "district"), whom you represent, received a request for information regarding bid awards, tabulations, and results for Audio Visual Equipment and Supplies Opening Bid No. 96-826-090. You have submitted a representative sample of the requested information for our review.¹ You assert that this information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the information at issue.

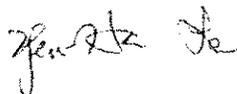
Section 552.104 protects from required public disclosure "information which, if released, would give advantage to competitors or bidders." Section 552.104 is generally invoked to except information relating to competitive bidding situations involving specific commercial or contractual matters. Open Records Decision No. 463 (1987). Governmental bodies may withhold bid information while governmental officials are in the process of evaluating the proposals and asking competitors to clarify their bids. 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).

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 Nos. 499 (1988); 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

The district has submitted information relating to the bids for audio-visual equipment and supplies. You state that the school board has not yet approved of a supplier; the board plans to meet in October to make that decision. Pursuant to section 552.104, the district may withhold the requested information so long as a contract has not been approved and awarded. However, if the bidding is over and the school board awarded a contract to a supplier in October, section 552.104 does not except the requested information from disclosure.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref: ID# 101959

Enclosures: Submitted documents

cc: AVES Audio Visual Systems, Inc.
P.O. Box 740620
Houston, Texas 77274-0620
(w/o enclosures)