



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 3, 1996

Mr. Robert A. Parmalee
Chappell & McGartland
1800 City Center Tower II
301 Commerce Street
Fort Worth, Texas 76102-4118

OR96-2298

Dear Mr. Parmalee:

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# 102494.

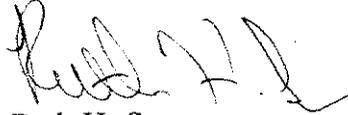
The Fort Worth Transportation Authority (the "authority") received an open records request for certain records that you contend may be withheld from the public pursuant to section 552.104 of the Government Code. Section 552.104 protects from required public disclosure "information that, if released, would give advantage to a competitor or bidder." Section 552.104 is generally invoked to except information submitted to a governmental body as part of a bid or similar proposal. *See, e.g.*, 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 bid or proposal information from disclosure once the bidding is over and the contract is in effect. Open Records Decision Nos. 306 (1982); 184 (1978).

Because you state that the authority has not yet executed a contract regarding this matter, you may withhold the requested information at this time pursuant to section 552.104. Release of this information during the time that competitors may clarify, modify, or withdraw their proposals could result in an advantage to the other competitors for the contract or damage the authority's ability to obtain truly competitive bids.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/ch

Ref.: ID# 102494

Enclosures: Submitted documents

cc: Mr. Ronald J. Hartman
Vice President
Planning & Development
National Railroad Passenger Corporation
60 Massachusetts Avenue, N.E.
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(w/o enclosures)