



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 18, 1997

Mr. Richard J. Miller
County Attorney
Bell County
P.O. Box 1127
Belton, Texas 76513

OR97-2789

Dear Mr. Miller:

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# 111346.

Bell County (the "county") received a request for "documents which are related to the Bell County, Texas Request For Proposal - 800 MHz Trunked Radio System (RFP No. CO-01-97)." You claim that the requested information is excepted from disclosure under sections 552.104 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

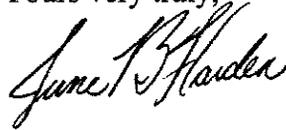
Section 552.104 of the Government Code excepts from required public disclosure "information which, if released, would give advantage to competitors or bidders." Section 552.104 is generally invoked to protect information relating to competitive bidding situations involving specific commercial or contractual 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 proposals from disclosure once the bidding is over and the contract is in effect. Open Records Decision Nos. 306 (1982), 184 (1978).

The county generated a request to potential vendors for proposals concerning the establishment and maintenance of a county-wide 800 Mz radio system. You state that "as of this date, no contract has been agreed to nor awarded and negotiations . . . continue." Under these circumstances, we conclude that the county may withhold the requested information from disclosure under section 552.104 of the Government Code, until such time as a contract is awarded.¹

¹As we are able to resolve this matter under section 552.104, we need not address your argument under section 552.111 at this time.

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,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/alg

Ref.: ID# 111346

Enclosures: Submitted documents

cc: Mr. M. Cody Hogue
Area Sales Manager
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(w/o enclosures)