



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 1, 1998

Ms. Monica L. Strickland
Assistant City Attorney
The City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR98-0866

Dear Ms. Strickland:

You ask whether certain information is subject to required public disclosure under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 113712.

The City of Midland (the "city") received a request for a copy of a specified letter concerning "[t]he Midland bid [which] was awarded to Taylor in 1997 with a probable delivery time of 90-120 days." In response to the request, you submitted to this office for review the information which you assert is responsive.¹ You contend that the submitted letter is excepted from disclosure in its entirety under section 552.104 of the Government Code. We have considered the exception you claim and have reviewed the information at issue.

Section 552.104 excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." The purpose of this exception is to protect a governmental body's interests in competitive bidding situations. *See* Open Records Decision No. 592 (1991). Section 552.104 requires a showing of some actual or specific harm in a particular competitive situation; a general allegation that a competitor will gain an unfair advantage will not suffice. Open Records Decision No. 541 (1990) at 4.

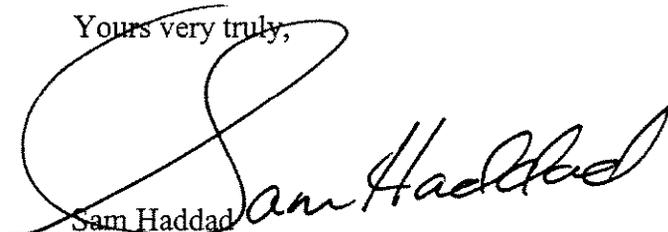
Section 552.104 generally does not except information relating to competitive bidding situations once a contract has been awarded. Open Records Decision Nos. 306 (1982), 184 (1978). Having carefully considered your arguments, we find that you have not

¹You have also submitted to this office information that apparently was sent for informational purposes only. In this ruling, we do not address the public disclosure of that information.

established that section 552.104 protects the requested information from disclosure. *See* Open Records Decision No. 385 (1983) (governmental body's accounts receivable generally public). Accordingly, we conclude that the city must release the information to the requestor.

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 any questions about this ruling, please contact our office.

Yours very truly,


Sam Haddad
Assistant Attorney General
Open Records Division

SH/rho

Ref: ID# 113712

Enclosures: Submitted documents

cc: Mr. John Griffin
President
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(w/o enclosures)