



May 13, 1999

Mr. Gene L. Locke
Mayor, Day, Cladwell & Keeton
700 Louisiana, Suite 1900
Houston, Texas 77002-7000

OR99-1313

Dear Mr. Locke:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125966.

You assert that the requested information is excepted from disclosure based on section 552.104 of the Government Code. Section 552.104 states that information is excepted from required public disclosure if release of the information would give advantage to a competitor or bidder. The purpose of this exception is to protect the interests of a governmental body usually in competitive bidding situations. *See* Open Records Decision No. 592 (1991). This exception protects information from public disclosure if the governmental body demonstrates potential harm to its interests in a particular competitive situation. *See* Open Records Decision No. 463 (1987). Generally, section 552.104 does not except bids from public disclosure after bidding is completed and the contract has been awarded. *See* Open Records Decision 541 (1990).

In this case, you inform us that the contract has not been awarded. We therefore conclude that the proposal is excepted from disclosure based on section 552.104 until such time as the contract is awarded. However, we note that the requestor asked for minutes of meetings. If the meetings were public, the minutes from those meetings are public information that must be released. Open Records Decision No. 551 at 2-3 (1990). Also, you may not withhold the request for proposal because this document is not protected under section 552.104.

In light of our conclusion under section 552.104, we need not address the other exceptions raised, if any. We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/nc

Ref.: ID# 125966

Enclosures: Submitted documents

cc: Ms. Jennifer Kilibarda
Blumberg Excelsior
814 San Jacinto, Suite 490
Austin, Texas 78701
(w/o enclosures)