



July 15, 1999

Mr. Habib H. Erkan, Jr.
Assistant City Attorney
City of San Antonio
City Attorney's Office-Development
& Financial Services
P.O. Box 83966
San Antonio, Texas

OR99-1985

Dear Mr. Erkan:

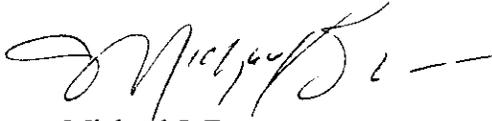
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126227.

The City of San Antonio (the "city") received a written request for, among other things, all bid proposals submitted to the city in connection with Bid #99-070. You do not contend that the requested information is excepted from required public disclosure, but rather have requested an open records decision from this office pursuant to section 552.305 of the Government Code. Consequently, this office notified representatives of the four companies that submitted proposals to the city that we received your request for an open records decision regarding their respective proposals. In our letter to those companies, this office requested that they provide an explanation as to why portions of their proposals were excepted from public disclosure, with the caveat that their failure to do so within a reasonable time would result in this office instructing the city to disclose the information.

More than fourteen days have elapsed since this office issued its notice, but only National Business Control Systems ("National") responded to our notice. Although National contends that its proposal is excepted from required public disclosure pursuant to sections 552.101, 552.104, 552.110, and 552.122, it has failed to provide this office with any explanation as to why the stated exceptions apply to its proposal. Consequently, we have no basis for concluding that any of the exceptions raised by National apply in this instance. *See* Open Records Decision No. 552 (1990). Because neither the city nor the four companies that submitted proposals have established that the requested information should be withheld, the city must release the information at this time. If you have any questions regarding this letter, please contact this office.

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.

Sincerely,



Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/RWP/eaf

Ref: ID# 126227

Encl: Submitted documents

cc: Ms. Kay Turner
8833 Tradeway
San Antonio, Texas 78217
(w/o enclosures)

cc: Mr. Eddie J. Ward
E.J. Ward, Inc.
P.O. Box 17888
San Antonio, Texas 78217-0888
(w/o enclosures)

cc: Mr. Frank McGoogan
Director of Marketing
Syn-Tech Systems, Inc.
P.O. Box 5258
Tallahassee, Florida 32314
(w/o enclosures)

cc: Mr. Morris C. Taylor
President and CEO
National Business Control Systems
2201 Denton Drive, Suite 101
Austin, Texas 78758
(w/o enclosures)

cc: Mr. Charles T. Reinhardt
Vice President
Trak Engineering, Inc.
3300 Buffalo Road
New Windsor, Maryland 21776
(w/o enclosures)