



July 26, 1999

Mr. Frank L. Melton  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR99-2100

Dear Mr. Melton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126250.

The City of San Antonio (the "city") received a request for copies of all bids concerning the San Antonio International Airport Parking Garage Expansion Signage. You contend that the requested information is excepted from required public disclosure by section 552.104 of the Government Code. We have considered your arguments and reviewed the information submitted.

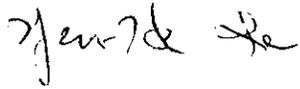
Section 552.104 excepts from required public disclosure "information that, if released, would give advantage to a competitor or bidder." The purpose of this exception is to protect the purchasing interests of a governmental body, usually in competitive bidding situations prior to the awarding of a contract. Open Records Decision No. 593 at 2 (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 541 at 4 (1990). 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).

You state that you had anticipated that a contract would have been awarded in May 1999. However, you further explain that the contract was not awarded in May, all bids were rejected, and the city will solicit new bids in the near future. Because the contract has not been awarded, the city may withhold the information under section 552.104 until such time the contract is awarded. Open Records Decision No. 170 at 2 (1977).

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,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is written in a cursive style with some loops and flourishes.

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 126250

Encl.: Submitted documents

cc: Mr. Billy Southwell  
The Southwell Co.  
P.O. Box 299  
San Antonio, Texas 78291-0299  
(w/o enclosures)