



September 17, 1999

Mr. Amy L. Sims
Assistant City Attorney
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR99-2592

Dear Ms. Sims:

You ask whether certain information is subject to required public disclosure under the, Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127315.

The City of Lubbock (the "city") received a written request for the proposals that Trapeze Software Group, Inc. and Multisystems, Inc. submitted to the city in connection with RFP Proposal #98180. 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 two named companies 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 neither company responded to our notice. Consequently, we have no basis for concluding that either proposal is excepted from public disclosure. *See* Open Records Decision No. 552 (1990). Because neither the city nor the two companies that submitted proposals have established that the requested information should be withheld, the city must release the requested information at this time.¹

¹Although you suggest that the information at issue may be made confidential under section 252.049 of the Local Government Code, this office has previously concluded that this provision is duplicative of the protection of section 552.110 of the Government Code after the contract has been awarded. *See* Open Records Letter No. 96-1857 (1996) (ruling to the City of Lubbock). Because neither company has demonstrated the applicability of section 552.110 to the information at issue, section 252.049 is also inapplicable here.

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 cursive script that reads "Karen Hattaway".

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/nc

Ref.: ID# 127315

Encl. Submitted documents

cc: Mr. Raymond Glenn
Account Manager
TTI Systems
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(w/o enclosures)

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Building A., Suite 200
Scottsdale, Arizona 85260
(w/o enclosures)

Multisystems, Inc.
10 Fawcett Street
Cambridge, Massachusetts 12138
(w/o enclosures)