



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 2, 2010

Mr. Jaime J. Munoz  
Law Office of Jaime J. Munoz  
P.O. Box 47  
San Juan, Texas 78589

OR2010-01597

Dear Mr. Munoz:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 369068.

The La Joya Independent School District (the "district"), which you represent, received a request for the quotation, bid tabulation, and presentation book pertaining to Catalog Bid #2010-807 for cafeteria furniture and decor. You claim that the submitted information is excepted from disclosure under sections 552.104, 552.110, and 552.128 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that the district has only submitted a presentation book for our review. To the extent any additional responsive information existed on the date the district received this request, we assume that the district has released it to the requestor. If the district has not released any such information, the district must release it at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

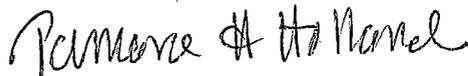
We now turn to your arguments for the submitted information. Section 552.104 of the Government Code protects from required public disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104. The purpose of section 552.104 is to protect the purchasing interests of a governmental body in competitive bidding situations where the governmental body wishes to withhold information in order to obtain more favorable offers. *See* Open Records Decision No. 592 (1991). Section 552.104 protects information from 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 disclosure after bidding is completed and the contract has been awarded. *See* Open Records Decision No. 541 (1990).

You state that the submitted information relates to a competitive bidding situation where a contract has yet to be awarded. You claim that disclosure of this information would harm the district's financial position. Based on your representations and our review, we conclude that release of the submitted information would harm the district's interests in a competitive bidding situation; thus, the district may withhold the submitted information under section 552.104 of the Government Code until a contract for these services is executed. *See* Open Records Decision No. 170 at 2 (1977) (release of bids while negotiation of proposed contract is in progress would necessarily result in an advantage to certain bidders at the expense of others and could be detrimental to the public interest in the contract under negotiation). Because our determination on this issue is dispositive, we need not address your remaining arguments.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/jb

Ref: ID# 369068

Enc. Submitted documents

c: Requestor  
(w/o enclosures)