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ATTORNEY GENERAL

Office of the Attorney General
State of Texas

July 12, 1991

Ms. Donna M. Atwood
General Counsel
Dallas-Fort Worth International Airport
P. O. Drawer DFW
Dallas/Fort Worth, Texas 75261

OR91-324

Dear Ms. Atwood:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID#s 11495, 11619, 11622, 11712, 11840, 11849 and 11855.

In October, 1990, the Dallas Fort Worth Airport Board advertised for bids on its Automated Access Control System. Eleven bids were received, and on January 8, 1991, the contract was awarded to IBM/Lockwood Greene. Subsequently, you received a request from Thorn Automated Systems, one of the bidders, for a list of proposers, subcontractors, and proposal amounts. Pursuant to section 7(c) of the Open Records Act, this office notified each bidder of its rights under that provision. TRW, Westinghouse, Morrison-Knudsen and IBM/Lockwood Greene indicated that they had no objection to release of the requested information. Six other companies did not respond to our request.

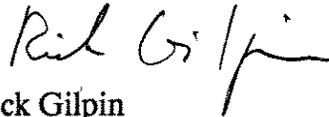
Subsequently, Morrison-Knudsen requested "a listing of all exceptions to the RFP which may have been taken by each proposer." IBM/Lockwood Greene submitted a lengthy brief objecting to disclosure of any but the material requested by Thorn, pursuant to section 3(a)(10).

Under the decision of this office in Open Records Decision No. 552 (1990), we are bound to honor IBM's claim. We are obliged to accept a claim as valid if a *prima facie* case for non-disclosure is made, and no argument is presented that rebuts the claim as a matter of law. In the present instance, a *prima facie* case has been made, and no rebuttal has been submitted. Accordingly, you are advised that

you should furnish the information by Thorn as to all bidders, but should withhold the fourth item requested by Morrison-Knudsen with regard to IBM/Lockwood Greene, the successful bidder.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-324.

Yours very truly,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/mc

Ref.: ID# 11495, 11619, 11622, 11712, 11840, 11849, 11855

Enclosure: Open Records Decision Nos. 552; 541 (1990).

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