



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 7, 1998

Mr. Robert E. Luna
Law Offices of Robert E. Luna
4411 North Central Expressway
Dallas, Texas 75205

OR98-1168

Dear Mr. Luna:

You ask this office to reconsider our ruling in Open Records Letter No. 98-0715 (1998). Your request for reconsideration was assigned ID# 115872.

The Northwest Independent School District (the "district"), which you represent, received a request for (1) the Mitel/Cutter contract and proposal, (2) contracts and proposals submitted in reference to the Data Networking Equipment Request for Proposal, and (3) any other pertinent information. You submitted to this office as responsive to the request proposals from Cutter Systems, Inc. ("Cutter"), Choice Solutions, Inc. ("Choice"), and Anixter, Inc. ("Anixter"). In Open Records Letter No. 98-0715 (1998), this office concluded that the district could not withhold any of the requested records for three reasons. First, Choice and Anixter did not provide any reasons why their respective proposals should be withheld from disclosure. Secondly, we concluded that Cutter had not sufficiently established the applicability of section 552.110 to its proposal. Lastly, although Alltel Supply ("Alltel") did provide reasons for nondisclosure of its proposal, the district did not provide the proposal for our review and, therefore, we were unable to determine whether the proposal could be withheld.

In your request for reconsideration, you explain that you only provided representative samples of the requested proposals for our review. Thus, you submitted three proposals (Cutter, Choice, and Anixter) out of a total of nine proposals that are responsive to the request. You further explain that other vendors, including Southwestern Bell, Clark Data Systems, Pioneer-Standard Electronics, Inc., Pyramid Computer Systems, Inc., Cytronics Technology, Inc., and Capco, submitted proposals regarding this matter. This office notified all of the interested parties of their burden to provide reasons why their respective proposals should be withheld from disclosure. Only Alltel and Cutter responded. You explain that you will release the proposals of those companies that did not respond to our notification, as well as Cutter's proposal as directed in our ruling in Open Records Letter No. 98-0715 (1998).

You ask that we determine whether Alltel has sufficiently explained why its proposal should be withheld.

We have reviewed Alltel's arguments for withholding the proposal, using the same analysis as explained in Open Records Letter No. 98-0715 (1998). We do not believe that Alltel has sufficiently explained the applicability of section 552.110 to its proposal. Therefore, the proposal must be released in its entirety.

If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Deputy Chief
Open Records Division

LRD/rho

Ref.: 115872

Enclosures: Submitted documents

cc: Mr. David D. Custable
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