



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 11, 2010

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2010-06755

Dear Mr. Bounds:

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# 379156.

The City of Corpus Christi (the "city") received a request for records relating to a request for proposals for deferred compensation services, including four categories of information pertaining to the top three finalists and four other categories of information created by or for the city in the process of reviewing and rating the best and final proposals of the top three finalists. You state that some of the requested information either has been or will be released.¹ You also inform us that the submitted information is the subject of two previous open records letter rulings. Although you take no other position on the public availability of the submitted information, you believe that the information may implicate the interests of third parties.² You state that the third parties concerned were notified of this request for information and of their right to submit arguments to this office as to why the submitted

¹You state that the city will redact insurance policy numbers from the records to be released pursuant to Open Records Decision No. 684 (2009), which is a previous determination that authorizes all governmental bodies to withhold ten categories of information, including insurance policy numbers under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

²You inform us that the third parties concerned are Great-West Retirement Services ("Great-West"); ICMA Retirement Corporation; and Nationwide Retirement Solutions, Inc. As of the date of this decision, this office has received no correspondence from either ICMA or Nationwide.

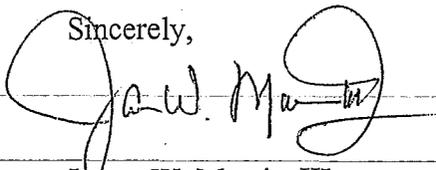
information should not be released.³ We received correspondence from Great-West. We have considered Great-West's comments and reviewed the information you submitted.⁴

You inform us that the submitted information was encompassed by two previous requests for information, as a result of which this office issued Open Records Letter Nos. 2010-04466 (2010) and 2010-05744 (2010). You state that there has been no change in the law, facts, and circumstances on which the previous rulings are based. We therefore conclude that the city must dispose of the submitted information in accordance with Open Records Letter Nos. 2010-04466 and 2010-5744.⁵ See Gov't Code § 552.301(a); Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

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, 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,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/rl

³See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

⁴You note that portions of the submitted information pertaining to companies that were not among the top three finalists are not responsive to this request for information. This decision does not address the public availability of information that is not responsive to the request, and the city need not release such information in response to the request.

⁵As we are able to make this determination, we need not address the comments we received from Great-West.

Ref: ID# 379156

Enc: Submitted information

cc: Requestor
(w/o enclosures)

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Great-West Retirement Services
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(w/o enclosures)

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