



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 11, 2011

Ms. Jessica C. Eales
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2011-06494

Dear Ms. Eales:

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# 417280 (GC No. 18308).

The City of Houston (the "city") received a request for a copy of the winning bidder's proposal pertaining to Request for Proposals S30-T23174-Delinquent Parking Citation Collection Services, as well as current collection statistics. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of Duncan Solutions, Inc. ("Duncan Solutions"). Accordingly, you state, and provide documentation showing, you notified Duncan Solutions of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code* § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

Initially, we note that you have not submitted any information responsive to the request for current collection statistics. Thus, to the extent any information responsive to this part of the request existed when the present request was received, we assume it has been released. If

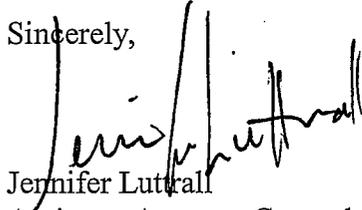
such information has not been released, then it must be released at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

We also note the submitted information, which consists of Duncan Solutions's proposal for RFP S30-T23174, was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2009-14835 (2009). In that ruling, we concluded the city must do the following: (1) withhold certain marked information under sections 552.110 and 552.136 of the Government Code and (2) release the remaining information, with any information protected by copyright released only in accordance with copyright law. We have no indication the law, facts, and circumstances on which Open Records Letter No. 2009-14835 was based have changed. Accordingly, we conclude the city must continue to rely on Open Records Letter No. 2009-14835 as a previous determination and withhold or release the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,


Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/dls

Ref: ID# 417280

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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(w/o enclosures)