



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 15, 2011

Ms. Sharon Alexander
Associate General Counsel
Texas Department of Transportation
125 East Eleventh Street
Austin, Texas 78701-2483

OR2011-16806

Dear Ms. Alexander:

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# 436291.

The Texas Department of Transportation (the "department") received a request for the bid tabulation for Request for Proposals No. Q442011055348000. Although you take no position on the public availability of the requested information, you state the information at issue may implicate the proprietary interests of 3-C Technology; CDW Government, L.L.C.; Checkpoint Services; CSE International; Southern Computer Warehouse; and Techpeople US, Inc. Accordingly, you state, and submit documentation showing, you notified these third parties of the request for information and of their right to submit arguments to this office as to why their submitted information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to that party should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, none of the third parties has submitted any comments to this office explaining how release of the submitted information would affect its proprietary interests. Accordingly, the department may not withhold any of

the submitted information on the basis of a third party's proprietary interests. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (stating business enterprise claiming exception for commercial or financial information under section 552.110(b) must show by specific factual evidence release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret). As you raise no exceptions to disclosure, the department must release the submitted information.

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,



Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/em

Ref: ID# 436291

Enc. Submitted documents

c: Requestor
(w/o enclosures)

CSE Intl
2313 Lockhill-Selma #248
San Antonio, Texas 78230
(w/o enclosures)

Checkpoint Services
1790 Commerce Park Drive, Suite A-1
El Paso, Texas 79912
(w/o enclosures)

CDW Government LLC
230 North Milwaukee Avenue
Vernon Hill, Illinois 60061
(w/o enclosures)

3-C Technology
3200 West Pleasant Run Road, Suite 330
Lancaster, Texas 75146
(w/o enclosures)

Southern Computer Warehouse
Building 100, Suite 106
1395 South Marietta Parkway
Marietta, Georgia 30067
(w/o enclosures)

Techpeople US Inc.
1508 Dessau Ridge Lane, Suite 703
Austin, Texas 78754
(w/o enclosures)