



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 7, 2011

Ms. Sharon Alexander
Associate General Counsel
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

OR2011-18010

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# 438282.

The Texas Department of Transportation (the "department") received a request for a copy of the winning letter of interest for a specified request for proposals. Although you take no position on whether the requested information is excepted from disclosure, you state release of this information may implicate the proprietary interests of interested third parties.¹ Accordingly, you have notified these third parties of the request and of their right to submit arguments to this office as to why their 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 and the comments submitted by URS.

We note that an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information

¹The interested third parties are the following: AECOM Technical Services, Inc.; URS Corporation ("URS"); JACOBS Engineering Group, Inc.; and HDR Engineering, Inc.

relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). In its comments submitted to our office, URS states it does not object to release of its information. As of the date of this decision, we have not received correspondence from any of the remaining interested third parties. Thus, none of these interested third parties have demonstrated that they have a protected proprietary interest in any of the submitted information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, the department may not withhold the submitted information on the basis of any proprietary interests these interested third parties may have in the information. As no exceptions to disclosure have been raised, the submitted information must be released.

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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/ag

Ref: ID# 438282

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. David W. McDonald
AECOM Technical Services, Inc.
400 West 15th Street, Suite 500
Austin, Texas 78701
(w/o enclosures)

Mr. Martin Rodin
URS Corporation
1950 North Stemmons Freeway, Suite 6000
Dallas, Texas 75207
(w/o enclosures)

Mr. James Hall
JACOBS Engineering Group, Inc.
2705 Bee Cave Road, Suite 300
Austin, Texas 78746
(w/o enclosures)

Hdr Engineering, Inc.
4401 West Gate Boulevard, Suite 400
Austin, Texas 78745
(w/o enclosures)