



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 9, 2012

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

OR2012-10520

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# 459366 (Corpus Christi File No. 348).

The City of Corpus Christi (the "city") received a request for the (1) "complete response to [the city's] [b]id #BI-0074-12 for Library Books and Recordings submitted by the winning vendor" and (2) "discounts and pricing that all other vendors offered for this RFP." Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of Baker & Taylor, Inc., CompleteBook and Media Supply, and Perma-Bound Books. Accordingly, you state, and provide 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 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.

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 information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Baker & Taylor, Inc., CompleteBook and Media Supply, or Perma-Bound Books explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of these third parties has a protected proprietary interest in the submitted information.

See id. § 552.110; 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 city may not withhold the submitted information on the basis of any proprietary interest Baker & Taylor, Inc., CompleteBook and Media Supply, or Perma-Bound Books 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,



Sean Opperman
Assistant Attorney General
Open Records Division

SO/som

Ref: ID# 459366

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Lee Ann Queen
Director – Pricing Services
Baker & Taylor, Inc.
2550 W. Tyvola Road, Ste. 300
Charlotte, NC 28217
(w/o enclosures)

Mr. Kendall Montiegal
CompleteBook and Media Supply
715 Discovery Boulevard, Ste. 301
Cedar Park, TX 78613
(w/o enclosures)

Ms. Betty Hillig
Sales Coordinator
Perma-Bound Books
617 E. Vandalia Road
Jacksonville, IL 62650
(w/o enclosures)
