



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 13, 2012

Ms. Ashley Wilson
General Counsel
Dallas County Schools
612 North Zang Boulevard
Dallas, Texas 75208

OR2012-12664

Dear Ms. Wilson:

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# 461676.

Dallas County Schools ("DCS") received a request for the bid prices for Request for Proposals ("RFP") No. 02-10-12-01.¹ 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 third parties. You state you have notified ABC Texas Bus Sales, Inc. ("ABC"), Motor Coach Industries, Inc., ("MCI") and National Bus Sales, Inc. ("NBS") of this request and of the companies' rights to submit arguments to this office stating why their 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 received correspondence from ABC stating ABC does not object to release of its bid price information. We have reviewed the submitted information.

¹We note DCS sought and received clarification of the request for information. *See* Gov't Code § 552.222(b) (stating that if information requested is unclear to governmental body or if a large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used).

Initially, we note most of the submitted information is not responsive to the instant request for information. The requestor only seeks the bid prices for the RFP specified in the request. Accordingly, only the bid prices are responsive to this request. This ruling does not address the public availability of the non-responsive information, and that information need not be released.

An interested third party is allowed ten business days after the date of its receipt of a governmental body's notice under section 552.305(d) of the Government Code 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, MCI and NBS have not submitted comments to this office explaining why any portion of the submitted responsive information should not be released to the requestor. Thus, we have no basis to conclude the release of any portion of the information at issue would implicate MCI's and NBS's proprietary interests, and none of the information may be withheld on that basis. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (stating that business enterprise that claims exception for commercial or financial information under section 552.110(b) must show by specific factual evidence 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). As no arguments against disclosure have been raised, DCS must release the submitted responsive 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,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/tch

Ref: ID# 461676

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Greg Gates
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ABC Texas Bus Sales, Incorporated
1702 South Great Southwest Parkway
Grand Prairie, Texas 75051
(w/o enclosures)

Mr. Jon Yarusso
Motor Coach Industries, Incorporated
1700 East Golf Road, 3rd Floor
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