



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 5, 2012

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

OR2012-14033

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# 464287.

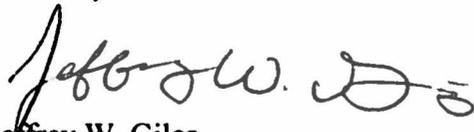
The Texas Department of Transportation (the "department") received a request for the bid tabulation for a specified solicitation. Although you take no position with respect to the public availability of the requested information, you state the proprietary interests of certain third parties might be implicated. You indicate you have notified Cannon IV, Inc. ("Cannon"), CAD Supplies Specialty, Inc. ("CAD"), Southern Computer Warehouse, Inc. ("Southern Computer Warehouse"), PCP Direct, Ltd. ("PCP"), Insight Public Sector, Inc. ("Insight"), Texas Electronic Information and Computer Corporation ("TEICC"), Austin Ribbon & Computer Supplies, Inc. ("Austin Ribbon"), Checkpoint Services, Inc. ("Checkpoint"), Advancetech Systems 2, Inc. ("Advancetech"), DB Computer Solutions, Inc. ("DB Computer"), SHI Government Solutions, Inc. ("SHI"), and Global On-Line Computers, Inc. ("Global") of the request and of their right to submit arguments to this office explaining why their information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception 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 to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from any of the third parties. Thus, none of the third parties has demonstrated it has 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 Cannon, CAD, Southern Computer Warehouse, PCP, Insight, TEICC, Austin Ribbon, Checkpoint, Advancetech, DB Computers, SHI, or Global may have in the information. As you raise no exceptions to disclosure, the requested information must be released in its entirety.

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](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,



Jeffrey W. Giles  
Assistant Attorney General  
Open Records Division

JWG/tch

Ref: ID# 464287

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Cannon IV of Texas  
P.O. Box 441450  
Indianapolis, Indiana 46244  
(w/o enclosures)

Insight Public Sector  
6820 South Harl Avenue  
Tempe, Arizona 85283  
(w/o enclosures)

Southern Computer Warehouse  
Building 300, Suite 106  
1395 South Marietta Parkway  
Marietta, Georgia 30067  
(w/o enclosures)

Global On-Line Computer  
5606 Randolph Boulevard  
San Antonio, Texas 78233  
(w/o enclosures)

TEICC  
1315 Price Plaza Drive  
Katy, Texas 77449  
(w/o enclosures)

SHI Government Solution  
Number 375  
1301 South Mopac Expressway  
Austin, Texas 78746  
(w/o enclosures)

PCPC Direct, Limited  
10690 Shadow Wood Drive, Suite 132  
Houston, Texas 77043  
(w/o enclosures)

Advancetech Systems 2, Incorporated  
P.O. Box 771418  
Houston, Texas 77215  
(w/o enclosures)

Austin Ribbon & Computer  
Suite 202  
9211 Waterford Centre Boulevard  
Austin, Texas 78758  
(w/o enclosures)

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

DB Computer Solutions Incorporated  
507 North Highway 77, Suite 510  
Waxahachie, Texas 75165  
(w/o enclosures)