



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 5, 2012

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

OR2012-14057

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# 463894 (Corpus Christi File No. 448).

The City of Corpus Christi (the "city") received a request for information pertaining to Request for Proposals ("RFP") No. BI-0123-12, initially issued as BI-0070-12, including a list of firms that submitted proposals, the submitted proposals, and the proposal evaluations for RFP No. BI-0123-12. You state the city will make some information available to the requestor. 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 SAIC Energy, Environment & Infrastructure, LLC ("SAIC"). Accordingly, you state, and provide documentation showing, you notified SAIC of the request for information and of its 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 and considered comments submitted by SAIC.

In its comments received by our office, SAIC states it does not object to release of its information. However, we note some of the materials at issue may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to

furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; see Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. Accordingly, the city must release the submitted information; however, any information that is subject to copyright may be released only in accordance with copyright law.

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,



Cynthia G. Tynan  
Assistant Attorney General  
Open Records Division

CGT/akg

Ref: ID# 463894

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Scott Pasternak  
SAIC Energy, Environment & Infrastructure, L.L.C.  
5806 Mesa Drive, Suite 310  
Austin, Texas 78731  
(w/o enclosures)