



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 22, 2013

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

OR2013-12552

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# 493827.

The Texas Department of Transportation (the "department") received a request for the bid tabulations for solicitation number Q44201328078000. You state that, although the department takes no position with respect to the requested information, it may implicate the interests of third parties. Accordingly, you state, and provide documentation demonstrating, the department notified Alphaworks LLC; Criner Daniels & Associates; DB Computer Solutions; and Southern Computer Warehouse (collectively, the "third parties") of the request for information and of each company's right to submit arguments stating why its 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); 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 under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See Gov't Code* § 552.305(d)(2)(B). As of the date of this letter, this office has not received comments from the third parties explaining why their information should not be released to the requestor. Thus, we have no basis to conclude that the release of any portion of the requested

information would implicate any of the third parties' interests. *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, we conclude the department may not withhold any of the requested information on the basis of any interest any of the third parties may have in the information. As no exceptions to disclosure have been raised, the department must release the submitted 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/bhf

Ref: ID# 493827

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

AlphaWorks  
1600 10th Street, Suite B  
Plano, Texas 75074-8671  
(w/o enclosures)

Criner Daniels & Associates  
1776 Yorktown Street, Suite 525  
Houston, Texas 77056-4153  
(w/o enclosures)

Southern Computer Warehouse  
Building, Suite 106  
1395 South Marietta Parkway SE  
Marietta, Georgia 30067  
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DB Computer Solutions  
Suite 510  
507 North Highway 77  
Waxahachie, Texas 75165-1885  
(w/o enclosures)