



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 29, 2013

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

OR2013-13045

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# 494509.

The Texas Department of Transportation (the "department") received a request for the bid tabulations for Q292013031171000, Q292013030500000, Q292013032319000, and Q292013032317000. You state the department has released some information to the requestor. Although you take no position with respect to the public availability of the submitted information, you state its release may implicate the proprietary interests of Globe Electric Supply. Accordingly, you notified Globe Electric Supply of the request 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) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under 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) of the Government Code 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, we have not received any arguments from Globe Electric Supply explaining why the submitted information should not be released. Therefore, this company has not provided us with any

basis to conclude it has protected proprietary interests in any of the submitted bid tabulation. *See* 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 portion of the submitted bid tabulation on the basis of any proprietary interests Globe Electric Supply may have in the information. As no exceptions against disclosure are raised, the submitted bid tabulation 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.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,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/ag

Ref: ID# 494509

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Globe Electric Supply
P.O. Box 710548
Houston, Texas 77271
(w/o enclosures)