



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 10, 2013

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

OR2013-17624

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# 502689.

The Texas Department of Transportation (the "department") received a request for the bid tabulation report for solicitation Q44201303475000. Although you take no position with respect to the public availability of the requested information, you state release of this information may implicate the proprietary interests of CheckPoint Services, Inc.; SHI Government Solution; Summus Industries, Inc.; HEID, Inc.; and Freeit Data Solutions. Accordingly, you state and provide documentation showing, you have notified these third parties of the request for information and of their right to submit arguments to this office as to why the requested 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) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under the 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, these parties have

not demonstrated they have 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 these third parties may have in the information. As no exceptions against disclosure are raised, the submitted information 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](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,



Thana Hussaini  
Assistant Attorney General  
Open Records Division

TH/som

Ref: ID# 502689

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

CheckPoint Services, Inc.  
4120 Rio Bravo Street, Suite 215  
El Paso, Texas 79902  
(w/o enclosures)

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

Summus Industries, Inc.  
245 Commerce Green Boulevard, Suite 155  
Sugar Land, Texas 77478  
(w/o enclosures)

HEID, Inc.  
1850 N. Greenville, Suite 170  
Richardson, Texas 75081  
(w/o enclosures)

Freit Data Solutions  
P.O. Box 170031  
Austin, Texas 78717  
(w/o enclosures)