



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 16, 2017

Ms. June B. Harden
Assistant Attorney General
Assistant Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2017-05495

Dear Ms. Harden:

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# 649113 (PIR Nos. 16-45796 and 16-45797).

The Office of the Attorney General (the "OAG") received two requests for proposals submitted for a specified requisition and corresponding evaluation materials. The OAG states it released most of the requested information. Although the OAG takes no position as to whether the submitted information is excepted under the Act, the OAG states release of this information may implicate the proprietary interests of Stellarware Corporation ("Stellarware") and YoungWilliams, P.C. ("YoungWilliams").¹ Accordingly, the OAG states, and provides documentation showing, it notified the third parties of the requests for information and of their rights to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records

¹The OAG informs us it will release information pertaining to YoungWilliams. The OAG informs us, and provides documentation showing, YoungWilliams does not object to release of any of its information.

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 received comments from Stellarware. We have considered the submitted arguments and reviewed the submitted information.

We note some of the submitted information at issue is subject to the posting requirements in section 2261.253 of the Government Code. Section 2261.253(a) provides, in relevant part, as follows:

(a) For each contract for the purchase of goods or services from a private vendor, each state agency shall post on its Internet website:

(1) each contract the agency enters into, including contracts entered into without inviting, advertising for, or otherwise requiring competitive bidding before selection of the contractor, until the contract expires or is completed[.]

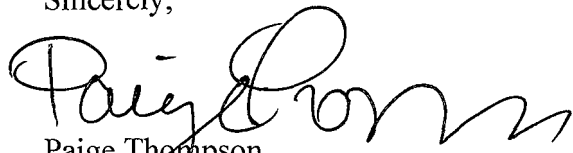
Gov't Code § 2261.253(a)(1). We understand the information at issue, which pertains to Stellarware, is a part of a contract valued at more than \$15,000, and is between the OAG, a state agency, and a private vendor for the purchase of services, and the contract is not expired or completed. *See id.* §§ 2261.002(2) ("State agency" has meaning assigned by Gov't Code § 2151.002), 2151.002(1) ("state agency" includes a department, commission, board, office, or other agency in the executive branch of state government created by the state constitution or a state statute). Some of the submitted information is attached to or included by reference into the contract at issue. Accordingly, the information at issue, like the contract at issue, is required to be posted on the OAG's internet website. Although Stellarware seeks to withhold portions of the information at issue under section 552.110 of the Government Code, the exceptions to disclosure found in the Act do not generally apply to information that other statutes make public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Accordingly, the OAG may not withhold any portion of the information at issue under section 552.110 of the Government Code. As no other exceptions to disclosure have been raised for this or the remaining information, 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, 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,

A handwritten signature in black ink, appearing to read "Paige Thompson". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Paige Thompson
Assistant Attorney General
Open Records Division

PT/eb

Ref: ID# 649113

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

Third Party
(w/o enclosures)