



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

November 18, 2019

Ms. Brittany Rodriguez  
Office Assistant  
City of Dallas  
1500 Marilla Street, Room 3FN  
Dallas, Texas 75201

OR2019-32414

Dear Ms. Rodriguez:

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# 797139 (ORR# C008276-090919).

The City of Dallas (the "city") received a request for information pertaining to a specified request for qualifications, including proposals, pricing sheets, and evaluation documents. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of Bibliotheca, L.L.C. ("Bibliotheca"); EnvisionWare, Inc. ("Envisionware"); Invengo Technology Corporation; Mk Solutions Systems, Inc.; P.V. Supa Inc.; and Tech Logic Solutions Corporation. Accordingly, you state, and provide documentation showing, you notified the interested third parties of the request for information and of their right 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 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 Envisionware. We have considered the submitted arguments and reviewed the submitted information.

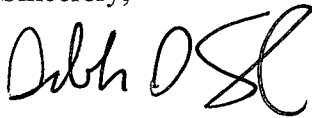
Initially, we note you have not submitted the requested evaluation documents. To the extent any information responsive to this portion of the request existed on the date the city received the request, we assume the city has released it. If the city has not released any such information, it must do so at this time.

Next, we note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2019-26081 (2019). In that ruling, we determined: (1) the city may withhold Envisionware's pricing information and the information we marked under section 552.104(a) of the Government Code; (2) the city must withhold Bibliotheca's pricing information under section 552.110(b) of the Government Code; (3) the city must withhold the insurance policy numbers under section 552.136 of the Government Code; and (4) the city must release the remaining information; however, any information subject to copyright may only be released in accordance with copyright law. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the city must rely on Open Records Letter No. 2019-26081 as a previous determination and withhold or release the information at issue in accordance with that ruling.<sup>1</sup> See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Deborah Southerland  
Attorney  
Open Records Division

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<sup>1</sup> As we are able to make this determination, we need not address the arguments against disclosure of this information.

Ref: ID# 797139

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

6 Third Parties  
(w/o enclosures)