



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 13, 2020

Ms. Cristina Doss
Senior Assistant General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR2020-25567

Dear Ms. Doss:

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# 848576 (DART ORR W005118-072820).

Dallas Area Rapid Transit ("DART") received a request for the bid tabulation and winning proposal related to a particular contract. Although DART takes no position as to whether the submitted information is excepted from disclosure under the Act, you state release of the submitted information may implicate the proprietary interests of multiple third parties. Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of the right to submit arguments to this office as to why the submitted information should not be released.¹ *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 received comments from Weaver. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note DART has not submitted the winning proposal. To the extent information responsive to this portion of the request existed on the date DART received the request, we assume you have released it. *See* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible). If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

¹ You state DART notified the following third parties: Global Solutions Group; Canon Solutions; Baker Tilly; Bulletproof Solutions; BKD; Harris and Dickey; Ampcus; Global Information Intelligence; Experis Finance, US, LLC; Ensco Rail; Compliance Point; MGT Consulting; True North; SpearTip, LLC; RGP; Prometheus Global; Janus Software; Haight Bey; Modern Security Services; and Weaver and Tidwell, L.L.P. ("Weaver").
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Next, we note 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 information relating to that party should be withheld from public disclosure. *See id.* § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any of the remaining third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude any remaining third party has a protected proprietary interest in the submitted information. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Accordingly, the city may not withhold the submitted information on the basis of any proprietary interest the remaining third parties may have in the information.

We note Weaver only asserts exceptions to the required public disclosure of information that is not responsive to the present request and which DART has not submitted for our review. This ruling does not address information beyond what DART has submitted to us for review. *See id.* § 552.301(e)(1)(D) (governmental body requesting decision from attorney general must submit copy of specific information requested). Accordingly, this ruling is limited to the information DART submitted as responsive to the request for information. *See id.* Accordingly, DART 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 <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,

Erin Groff
Assistant Attorney General
Open Records Division

EMG/jm

Ref: ID# 848576

Enc. Submitted documents

c: Requestor
(w/o enclosures)

20 Third Parties
(w/o enclosures)