



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 20, 2009

Ms. Bertha Bailey Whatley
Chief Legal Counsel
Fort Worth Independent School District
100 North University Drive
Fort Worth, Texas 76107

OR2009-05199

Dear Ms. Whatley:

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# 340511.

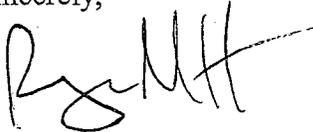
The Fort Worth Independent School District (the "district") received a request for copies of all responses to a specified request for proposals. You claim that portions of the submitted information are exempted from disclosure under sections 552.101 and 552.110 of the Government Code. You also explain that the submitted information may contain third parties' proprietary information subject to exception under the Act. Accordingly, you have notified the following third parties of this request for information and of their right to submit arguments to this office as to why the submitted information should not be released: C. Innovations, Inc. ("C. Innovations"); CherryRoad Technologies, Inc. ("CherryRoad"); Dell; E-Verge; eSped.com, Inc. ("eSped"); IBM Global Business Services ("IBM"); NCS Pearson ("NCS"); Pearson School Systems ("Pearson"); Prologic Technology, Inc. ("Prologic"); Skyward, Inc. ("Skyward"); and Tyler Tech ("Tyler"). *See Gov't Code § 552.305(d); 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 certain circumstances).* We have considered the exceptions you claim and reviewed the submitted information. We have also considered comments received from NCS, CherryRoad, and eSped pursuant to section 552.305(d) of the Government Code.

The submitted information consists of the responses to the district's RFP No. 06-131, ERP System Acquisition and Implementation. As NCS and CherryRoad note, this information was the subject of previous requests, as a result of which this office issued Open Records Letter Nos. 2008-03376 (2008) and 2008-11148 (2008). Because we have no indication that the law, facts, and circumstances on which the prior rulings were based have changed, the district may continue to rely on those rulings as previous determinations and withhold or release the submitted information in accordance with those rulings.¹ See Gov't Code § 552.301(a); Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Ryan T. Mitchell
Assistant Attorney General
Open Records Division

RTM/cc

Ref: ID# 340511

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

¹As we are able to make this determination, we do not address the arguments against disclosure raised by the district, NCS, CherryRoad, and eSped.