



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

July 15, 2009

Mr. Scott A. Kelly
Deputy General Counsel
The Texas A&M University System
200 Technology Way, Suite 2079
College Station, Texas 77845-3424

OR2009-09778

Dear Mr. Kelly:

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# 349042.

The Texas A&M University System (the "system") received a request for the bidding results and all related documentation regarding the selection process of the winning bidder for project number 080479487. Although the system takes no position on whether the submitted information is excepted from disclosure, you state that the release of this information may implicate the proprietary interests of third parties. Accordingly, you state, and have provided documentation showing, you have notified Sword Construction, L.L.P. ("Sword") and G.W. Williams, Inc. ("G.W.") of this request for information and of their right to submit arguments to this office explaining why the submitted information should not be released. *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 received arguments from Sword. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note that Sword argues against the disclosure of portions of its proposal that were not submitted by the system. Sword argues that its financial information is excepted from disclosure under section 552.110 of the Government Code. However, the system did not submit Sword's proposal to our office for review. Accordingly, this ruling does not