



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 21, 2009

Mr. John B. Dahill  
Asst. General Counsel  
Teacher Retirement System of Texas  
1000 Red River Street  
Austin, Texas 78701-2698

OR2009-13227

Dear Mr. Dahill:

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# 355840.

The Texas Retirement System of Texas (the "system") received a request for the bid proposals for two named companies. Although you take no position on whether the information at issue is excepted from disclosure, you state its release may implicate the proprietary interests of certain third parties. Accordingly, you inform us you notified Buck Consultants ("Buck") and Cavanaugh MacDonald ("Cavanaugh") of the request and of their rights to submit arguments as to why the information at issue should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure in certain circumstances). You state Cavanaugh does not object to release of its proposal. We have received comments from Buck. We have considered the submitted arguments and reviewed the submitted information.

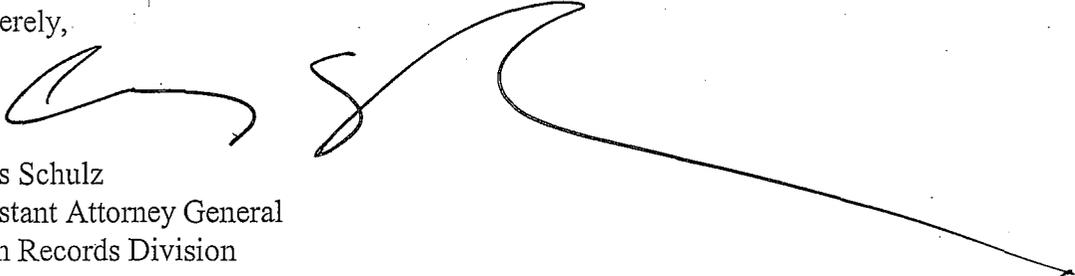
Buck states it objects to the release of pages 66-68 and Exhibit B of its proposal. Buck, however, has not directed our attention to any law that excepts the information from disclosure, nor has it submitted any arguments explaining why any part of the information should not be released. *See* Gov't Code § 552.305(d)(2)(B); *see, e.g., id.* § 552.110; Open

Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish prima facie case that information is trade secret), 542 at 3. Therefore, we have no basis to conclude any of the information is excepted from public disclosure. As no exceptions to disclosure have been claimed for the submitted information, it 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.oag.state.tx.us/open/index\\_orl.php](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, toll free, at (888) 672-6787.

Sincerely,



Chris Schulz  
Assistant Attorney General  
Open Records Division

CS/cc

Ref: ID# 355840

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)