



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 9, 2013

Mr. Andrew B. Thompson
Assistant General Counsel
Office of Legal Services
Corpus Christi Independent School District
P.O. Box 110
Corpus Christi, Texas 78403-0110

OR2013-05641

Dear Mr. Thompson:

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# 483416.

The Corpus Christi Independent School District (the "district"), which you represent, received two requests for copies of all submitted bid responses, board evaluations, recommendations, resolutions, and agreements for RFP#FY13-P-0003, Special Education Management System. You claim that the requested information is excepted from disclosure under section 552.104 of the Government Code.¹ Additionally, you state release of the requested information may implicate the proprietary interests of Public Consulting Group, Inc., ESPED.COM, Inc. ("ESPED.COM"), Sungard K-12 Education, SuccessEd, Maximus K-12 Education, Inc. ("Maximus"), and SEAS Education. Accordingly, you notified these third parties of the request and of their right to submit arguments to this office as to why their information 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); 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

¹Although you raise section 552.101 of the Government Code, you make no arguments to support this exception. Therefore, we assume you have withdrawn your claim this section applies to the submitted information. *See* Gov't Code §§ 552.301, .302.

applicability of exception to disclosure under certain circumstances). We have received comments from ESPED.COM, SuccessEd, and Maximus. We have considered the submitted arguments.

You inform us the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2013-04210 (2013). In that ruling, we determined the district may withhold the information at issue under section 552.104 of the Government Code until the contract at issue is executed. We understand the law, facts, and circumstances on which the previous ruling was based have not changed. Therefore, to the extent the information at issue is identical to the information ruled on in that ruling, we conclude the district may rely on Open Records Letter No. 2013-04210 as a previous determination and withhold the identical information in accordance with that ruling. *See* Open Records Decision No. 673 at 6-7 (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). As we are able to make this determination, we need not address the remaining arguments against disclosure of this 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 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,



Thana Hussaini
Assistant Attorney General
Open Records Division

TH/som

Ref: ID# 483416

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

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