



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 14, 2016

Ms. Heather Silver
Assistant City Attorney
City of Dallas
1500 Marilla Street, Room 7DN
Dallas, Texas 75201

OR2016-01094

Dear Ms. Silver:

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# 594309.

The City of Dallas (the "city") received a request for specified bid tabulations. You state the city will release some information. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of AC Printing, LLC; Alpha Business Images, LLC; Central Reproduction Co.; Delphi Legal Technologies, Inc.; Duncan/Day Advertising; Eco Advertising, LLC; EL Creative; Fedex Office; HCK2 Partners; Marfield Corporate Stationary; Merrill Corporation; Moatsworks Studios, LLC; Office Max; Rocket Red, Ltd.; Thomas Reprographics, Inc.; and Visual Communications. Accordingly, you state you notified these third parties of the request for information and of their rights to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

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) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code

§ 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of the third parties have protected proprietary interests in the submitted information. *See 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. Accordingly, the city may not withhold the submitted information on the basis of any proprietary interest the third parties may have in the information. As no exceptions to disclosure have been raised, the submitted information 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 594309

Enc. Submitted documents

c: Requestor
(w/o enclosures)

AC Printing, LLC
3400 South Raider Drive
Eules, Texas 76040
(w/o enclosures)

Central Reproduction Co.
P.O. Box 131971
Dallas, Texas 75313
(w/o enclosures)

Duncan/Day Advertising
3747 Montfort Drive, Suite 115
Dallas, Texas 75240
(w/o enclosures)

EL Creative
3816 San Jacinto
Dallas, Texas 75204
(w/o enclosures)

HCK2 Partners
16775 Addison Road
Dallas, Texas 75001
(w/o enclosures)

Merrill Corporation
CN-9638
Saint Paul, Minnesota 55170
(w/o enclosures)

Office Max
263 Shuman Boulevard
Naperville, Illinois 60563
(w/o enclosures)

Thomas Reprographics, Inc.
P.O. Box 740967
Dallas, Texas 75374
(w/o enclosures)

Alpha Business Images, LLC
6440 North Central Expressway, Suite 307
Dallas, Texas 75206
(w/o enclosures)

Delphi Legal Technologies, Inc.
350 North Saint Paul Street, Suite 275
Dallas, Texas 75201
(w/o enclosures)

Eco Advertising, LLC
3601 Edmonton Court
Richardson, Texas 75082
(w/o enclosures)

Fedex Office
P.O. Box 672085
Dallas, Texas 75267
(w/o enclosures)

Marfield Corporate Stationary
1225 East Crosby Road, Suite B1
Carrollton, Texas 75006
(w/o enclosures)

Moatsworks Studios, LLC
1569 Sandstone Drive
Frisco, Texas 75034
(w/o enclosures)

Rocket Red, Ltd.
1700 Pacific Avenue, #250
Dallas, Texas 75201
(w/o enclosures)

Visual Communications
12640 East Northwest Highway, Suite 415
Dallas, Texas 75228
(w/o enclosures)