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May 18, 1999



RQ-0069-99

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The Honorable John Cornyn
Attorney General of Texas
P. O. Box 12548
Austin, Texas 78711-2548

Opinion Committee

ATTORNEY GENERAL'S OFFICE

Liz Robinson

FILE # ML-40844-99

I.D. # 40844

Dear General Cornyn,

John

In my capacity as Chair of the Senate Committee on State Affairs, I respectfully request an opinion from your office in answer to the following questions regarding the Texas Department of Transportation (TxDOT):

1. Is TxDOT prohibited from restricting material specifications to suit the products of only one vendor if other vendors have similar products of equal quality? If so, does TxDOT materials specification D-9-6240 violate that prohibition?
2. Can TxDOT include non-functional characteristics to further restrict a material specification?

A constituent has raised these questions and requested the committee's help in securing an opinion from your office. This constituent contends that TxDOT has crafted the above referenced specification to be so restrictive that only one company's product meets the requirements although there are substantially similar and equal products available. The enclosed letters clarify their concerns and contentions.

Thank you for your attention to this matter. I shall look forward to receiving your response. If you need additional information, please do not hesitate to call.

Sincerely,

Florence Shapiro

Florence Shapiro
State Senator

Enclosures