



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 13, 2010

Mr. Tom Tracy
Assistant General Counsel
Office of the General Counsel
The University of Houston System
311 East Cullen Building
Houston, Texas 77204-2028

OR2009-00635

Dear Mr. Tracy:

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# 367144.

The University of Houston (the "university") received a request for a copy of bid tabulations for the Athletic Field Maintenance bid. Although you raise no exceptions to disclosure of the requested information, you state release of this information may implicate the proprietary interests of third parties. You inform us, and provide documentation showing, that pursuant to section 552.305 of the Government Code, the university has notified the interested third parties of the request and of their right to submit arguments to this office explaining why their information should not be released.¹ *See* Gov't Code § 552.305 (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 in certain circumstances). We have reviewed the submitted information.

An interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its reasons, if any, as to why information relating to the third party should not be released. *See*

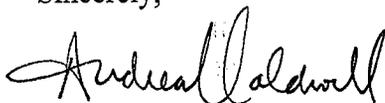
¹The interested third parties are GCA Services Group, 4E Sportsfield LLC, Athletic Field Specialists LLC, Division One Special Services, and Professional Grounds Management Services LLC.

Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from any of the third parties. Thus, because these third parties have not demonstrated that any of the submitted information is proprietary for the purposes of the Act, the university may not withhold any of the information on that basis. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Therefore, because the university does not claim an exception to disclosure, 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.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,



Andrea L. Caldwell
Assistant Attorney General
Open Records Division

ALC/eeg

Ref: ID# 367144

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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GCA Services Group
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(w/o enclosures)

Mr. Larry Rider
4E Sportsfield LLC
2909 Independence
Melissa, Texas 75454
(w/o enclosures)

Mr. Matthew Webb
Athletic Field Specialists LLC
1910 Avenue C
Katy, Texas 77493
(w/o enclosures)

Mr. Jonny Lennon
Division One Special Services
7243 Chasewood
Missouri City, Texas 77489
(w/o enclosures)

Mr. John Braun
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