



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 27, 2010

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

OR2010-07731

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# 386702.

The University of Houston System (the "system") received a request for a copy of the bid tabulation for the dorm mattress bid. You take no position on the public availability of the requested information. You believe, however, that this request for information may implicate the proprietary interests of third parties.¹ You inform us that the interested parties were notified of this request for information and of their right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the information you submitted.

Initially, we note the submitted information was the subject of previous requests for information, in response to which this office issued Open Records Letter No. 2010-06093A

¹You inform us that the interested third parties are Dormlife, L.L.C.; Dynasty Consolidated Industries; Goodrum International; Houston Mattress Factory; KLN Steel Products Co.; and Texas Correctional Industries.

(2010). In the prior ruling, this office determined that the system may withhold the submitted information under section 552.104. You inform us that the facts and circumstances have changed since the issuance of our previous ruling. In the previous request for a ruling, the system asserted that at the time the system received the requests a contract had not yet been awarded and executed. In response to the present request, you inform us the contract has been executed. Therefore, as relevant facts have changed since the issuance of Open Records Letter Ruling No. 2010-06093A, we conclude that the system may not rely on that ruling as a previous determination. *See* Open Records Decision No. 673 (2001) (describing the four criteria for a "previous determination").

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 id.* § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from any of the third parties that were notified. Therefore, because none of the third parties has demonstrated that any of the information at issue is proprietary for the purposes of the Act, the system may not withhold any of the submitted information on that basis. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Thus, as the system 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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/jb

Ref: ID# 386702

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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San Marcos, California 92078
(w/o enclosures)

Mr. Michael Anderson
Houston Mattress Factory
5401 Gulf Freeway
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(w/o enclosures)

Mr. Anthony Klatt
Dynasty Consolidated Industries
4646 Harry Hines Boulevard
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