



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 12, 2010

Ms. Caroline E. Cho  
Assistant County Attorney  
Williamson County Attorney's Office  
405 MLK #7  
Georgetown, Texas 78626

OR2010-10248

Dear Ms. Cho:

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# 386266.

Williamson County (the "county") received a request for all proposals pertaining to the Splash Pad Project. The county takes no position on whether the submitted information is excepted from disclosure, but states that release of this information may implicate the proprietary interests of Westar Construction, Inc.; Workman Commercial Construction Services, Ltd.; Barecky Construction Co.; and Chaney-Cox Construction, Inc. (collectively, the "third parties"). Accordingly, you inform us, and provide documentation showing, that you notified the 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 applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information.

We note that 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) of the Government Code to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any of the 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 this 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 county may not withhold any of the submitted information based on the proprietary interests of the third parties. As no exceptions against disclosure are raised, the submitted information must be released to the requestor.

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](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,



Sarah Casterline  
Assistant Attorney General  
Open Records Division

SEC/eeg

Ref: ID# 386266

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Larry W. Barecky  
Barecky Construction Co.  
450 Lange Road  
Wimberley, Texas 78262  
(w/o enclosures)

Mr. Mark Williamson  
Westar Construction, Inc.  
4500 Williams Drive, Suite 221-411  
Georgetown, Texas 78262  
(w/o enclosures)

Mr. Christopher McMillan  
Workman Commercial Construction Services, Ltd  
4401 Friedrich Lane, Suite 108  
Austin, Texas 78744  
(w/o enclosures)

Mr. Charles E. Cox  
Chaney-Cox Construction, Inc.  
P.O. Box 1902  
Temple, Texas 76503  
(w/o enclosures)