



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 3, 2010

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

OR2010-11657

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# 390408.

The University of Houston (the "university") received three requests from different requestors for the bid tabulations for a specified flooring bid. Although you take no position regarding the public availability of the requested information, you state it may implicate the proprietary interests of the third parties whose information has been requested. You state, and provide documentation showing, you have notified the interested third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released to the requestor.<sup>1</sup> 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.

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<sup>1</sup>The interested third parties are as follows: Kambuso, Inc.; Zolin Construction & Design; Lakeside Roofing and General Contract; MAB Flooring Ltd.; Intex Flooring; Dobson Construction Services, Inc.; Charlton Pollard Neighborhood Association, Inc.; Profast Development Group; Twin Flooring Finishes; and International Leading Tech.

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 any arguments from any of the interested third parties explaining why their information should not be released. Therefore, these companies have not provided us with any basis to conclude they have protected proprietary interests in any of the submitted information. *See* 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, we conclude the university may not withhold any portion of the submitted information on the basis of any proprietary interests the interested third parties may have in the information. As you raise no exceptions against 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](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,



Adam Leiber  
Assistant Attorney General  
Open Records Division

ACL/tp

Ref: ID# 390408

Enc. Submitted documents

c: Requestors  
(w/o enclosures)

c: Mr. George Nge  
Kambuso Inc.  
3411 Fondren, Suite A  
Houston, Texas 77063  
(w/o enclosures)

Ms. Sherry B. Spell  
Lakeside Roofing and General Contract  
957 Nasa Parkway, Suite 181  
Houston, Texas 77058  
(w/o enclosures)

Mr. Michael Coffey  
Intex Flooring  
5625 FM 1960 West, Suite 408  
Houston, Texas 77069  
(w/o enclosures)

Charlton Pollard Neighborhood Assoc.  
Inc.  
3635 Augusta Drive  
Beaumont, Texas 77707-5453  
(w/o enclosures)

Mr. Richard Gutierrez  
Twin Flooring Finishes  
P.O. Box 6509  
Katy, Texas 77491  
(w/o enclosures)

Mr. Farrell Porter  
Zolin Construction & Design  
2306 Valley Creek Drive  
Garland, Texas 75040  
(w/o enclosures)

Ms. Marie A. Bell  
MAB Flooring Ltd.  
4300 North Sam Houston Parkway, Suite  
D-400  
Houston, Texas 77086  
(w/o enclosures)

Dobson Construction Services, Inc.  
14115 Luthe Road, Suite 104  
Houston, Texas 77039  
(w/o enclosures)

Mr. Jeffery Windon  
Profast Development Group  
7324 Southwest Freeway, Suite 595  
Houston, Texas 77074  
(w/o enclosures)

International Leading Tech  
10700 Richmond Avenue, Suite 203  
Houston, Texas 77042-4900  
(w/o enclosures)