



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 1, 2010

Mr. Cary Grace
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2010-13562

Dear Mr. Grace:

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# 392781.

The City of Austin (the "city") received a request for the signed contract, evaluations used to determine the winning vendor, submitted rates, and list of bidding vendors relating to a specified request for proposal. You state you have released some information to the requestor. Although you take no position with respect to the public availability of the requested information, you state release of this information may implicate the proprietary interests of Universal Fidelity L.P. ("Universal"). You inform us, and provide documentation showing, pursuant to section 552.305 of the Government Code, the city has notified Universal of the request and of its right to submit arguments to this office explaining why its submitted information should not be released. *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 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.

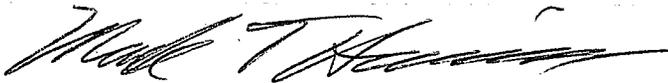
We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to that party should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, Universal has not submitted

any comments to this office explaining how release of its information would affect its proprietary interests. Accordingly, none of the information at issue may be withheld on that basis. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (stating business enterprise that claims exception for commercial or financial information under section 552.110(b) must show by specific factual evidence 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). As the city makes no arguments regarding the submitted information, it 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, 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,



Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/em

Ref: ID# 392781

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Ken Sebek
Universal Fidelity LP
1445 Langham Creek Drive
Houston, Texas 77084
(w/o enclosures)