



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 9, 2010

Mr. Thomas J. Tracy  
Assistant General Counsel  
University of Houston System  
311 E Cullen Building  
Houston, Texas 77204-2028

OR2010-18451

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# 402361.

The University of Houston (the "university") received a request for the bid tabulations for ITB 783, Custodial Services. Although you take no position on the public availability of the requested information, you believe the information may implicate the proprietary interests of the following third parties: C&S Janitorial Services; Easley Enterprise LLC; Impace Building Services, Inc.; IOS, Inc.; Marcis & Associates, Inc.; Kleen-Tech Services Corp.; McLemore Building Maintenance, Inc.; S.T. Vaughn Enterprises Inc.; and United Building Services Co. You inform us that the university notified these third parties of this request for information and of their right to submit arguments to this office as to why the submitted information should not be released.<sup>1</sup> 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 that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no

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<sup>1</sup>*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).

correspondence from any of the interested third parties. Thus, because the third parties have not demonstrated that any of the information at issue is proprietary for the purposes of the Act, the university may not withhold any of the submitted information on the basis of any proprietary interest that these companies may have in the information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Therefore, as 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](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,



Amy L.S. Shipp  
Assistant Attorney General  
Open Records Division

ALS/tf

Ref: ID# 402361

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. David Vallejo  
IOS, Inc.  
4500 Wayside Drive, Suite 100  
Houston, Texas 77087  
(w/o enclosures)

Mr. Curtis McLemore  
McLemore Building Maintenance Inc.  
110 Fargo Street  
Houston, Texas 77006  
(w/o enclosures)

Mr. Julio Cisneros  
Marcis & Associates, Inc.  
P.O. Box 11175  
Spring, Texas 77391  
(w/o enclosures)

Mr. Thomas Estrada  
United Building Services Co.  
P.O. Box 879  
Tomball, Texas 77377  
(w/o enclosures)

Ms. Sharita Vaughn  
S.T. Vaughn Enterprises Inc.  
3035 Aspen Hollow Lane  
Sugarland, Texas 77479  
(w/o enclosures)

Mr. Carlos Amezcua  
C&S Janitorial Services  
13940 Bammel North Houston, Suite 214  
Houston, Texas 77066  
(w/o enclosures)

Mr. William Okeson  
Impace Building Services, Inc.  
1409 Brittmoore  
Houston, Texas 77043  
(w/o enclosures)

Mr. Derrill Bennefield  
Kleen-Tech Services Corporation  
7100 Broadway Street, Suite 6-L  
Denver, Colorado 80221  
(w/o enclosures)

Mr. Arnette Easley  
Easley Enterprice LLC  
2257 North Loop 226, Suite 140334  
Conroe, Texas 77304  
(w/o enclosures)