



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 24, 2011

Mr. Eric D. Bentley  
Assistant General counsel  
University of Houston  
E. Cullen Building, Suite 311  
Houston, Texas 77204-2162

OR2011-01171

Dear Mr. Bentley:

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# 406887.

The University of Houston (the "university") received a request for the bid tabs and pricing coefficient for UH JOC RFP No. 730-JOB Order Contract 10. Although you state the university takes no position with respect to the public availability of the submitted information, you state its release may implicate the proprietary interests of several third parties.<sup>1</sup> Accordingly, you state, and provide documentation showing, the university notified these third parties of the request and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *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 the applicability of exception to disclose under Act 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 information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from

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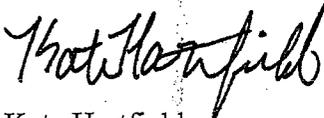
<sup>1</sup>The interested third parties are as follows: 4 City Construction and Development, LCC; Comex Corporation; Dura Pier Facilities Services, LTD; Fort Bend Mechanical; Jamail & Smith Construction; Millennium Project Solution Inc.; The Trevino Group, Inc.; Intex Flooring; Dobson Construction Services, Inc.; JE Dunn Construction Company; LS&A Group, Inc.; P2MG; RHJ-JOC, Inc.; and Structura Design LLC.

any of the interested third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude these parties have a protected proprietary interest in the submitted 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. Consequently, the university may not withhold the submitted information on the basis of any proprietary interests these parties may have in the information. As the university raises no exceptions to disclosure of the submitted information, it 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,



Kate Hartfield  
Assistant Attorney General  
Open Records Division

KH/em

Ref: ID# 406887

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. David A. Walker  
Comex Corporation  
9841 Spencer Highway  
La Porte, Texas 77571  
(w/o enclosures)

Ms. Carla Cook  
4 City Construction & Development, LLC  
1113 Howard Avenue  
Deer Park, Texas 77536  
(w/o enclosures)

Mr. David A. Medford  
Fort Bend Mechanical  
13802 Murphy Road  
Stafford, Texas 77477  
(w/o enclosures)

Mr. Gregory Smith  
Jamail & Smith Construction  
16875 Diana Lane  
Houston, Texas 77057  
(w/o enclosures)

Mr. Dale Trevino  
The Trevino Group, Inc.  
1616 West 22<sup>nd</sup> Street  
Houston, Texas 77008  
(w/o enclosures)

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

Mr. Michael Nelson  
P2MG  
11 Greenway Plaza, Suite 1515-A  
Houston, Texas 77046  
(w/o enclosures)

Mr. Richard H. Jackson  
RHJ-JOC, Inc.  
1000 South Loop West, Suite 100  
Houston, Texas 77054  
(w/o enclosures)

Mr. Tony Garcia  
Structura Design LLC.  
1701 Commerce Street, Suite 2-B  
Houston, Texas 77002  
(w/o enclosures)

Ms. Tammi L. Terry  
Dura Pier Facilities Services, LTD  
13124 Player Street  
Houston, Texas 77045  
(w/o enclosures)

Mr. David F. Williams  
Millennium Project Solution Inc.  
14026 FM 2100, Suite C  
Crosby, Texas 77532  
(w/o enclosures)

Mr. Arthur Montemayor  
All Texas Electrical Contractors Inc.  
6012 Centralcrest  
Houston, Texas 77092  
(w/o enclosures)

Mr. David Sadler  
Dobson Construction Services Inc.  
14115 Luthe Road, Suite 104  
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Mr. Doug Combes  
JE Dun Construction Company  
3500 South Gessner, Suite 200  
Houston, Texas 77063  
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Mr. Robert Lay-Su  
LS&A Group, Inc.  
Suite 200  
10710 South Sam Houston Parkway  
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(w/o enclosures)

Mr. Kye Appleby  
ACS Flooring Group, Inc.  
4444 West 12<sup>th</sup> Street  
Houston, Texas 77055  
(w/o enclosures)

Mr. Al Kashani  
Horizon International Group, LLC  
4204 Bellaire Boulevard  
Houston, Texas 77025  
(w/o enclosures)

Mr. Jed Landrey  
Inland Environments, LTD  
3801 25<sup>th</sup> Street  
Port Arthur, Texas 77642  
(w/o enclosures)

Mr. Mike Simpson  
J.T. Vaughn Construction, LLC  
10355 Westpark Drive  
Houston, Texas 77042  
(w/o enclosures)