



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 2, 2011

Mr. Eric D. Bently
Assistant General Counsel
University of Houston System
311 East Cullen Building
Houston, Texas 77204-2028

OR2011-01705

Dear Mr. Bently:

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# 408735.

The University of Houston (the "university") received a request for the bid tabulations for two specified requests for proposals. 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 interested third parties. Accordingly, you state, and provide documentation showing, the university notified Lions Gate Development, Inc.; International Leading Technologies, Inc.; Competition Roofing; J.R. Jones Roofing; Vincent's Roofing, Inc.; American Restorations, Inc.; Texas Liqua Tech Services, Inc.; P.R.C. Roofing Company, Inc.; Mellennium Project Solutions, Inc.; The Whiting-Turner Contracting Company; Comex Corporation; and J.T. Vaughn Constructions, L.L.C. of the request and of the companies' 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.

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 any of the interested third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of these parties has 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 (1990). Consequently, the university may not withhold any of the submitted information on the basis of any proprietary interests these third parties may have in the information. As no exceptions to disclosure have been claimed, 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, 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,



Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/vb

Ref: ID# 408735

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Lions Gate Development
Rt 5, Box 550
Coalgate, Oklahoma 74538
(w/o enclosures)

International Leading Technologies
10700 Richmond Avenue, #203
Houston, Texas 77042
(w/o enclosures)

Competition Roofing
7310 Fairview Street
Houston, Texas 77041
(w/o enclosures)

PRC Roofing Company, Incorporated
3714 Osage
Houston, Texas 77063
(w/o enclosures)

J.R. Jones Roofing
5511 Mitchelldale Street
Houston, Texas 77092
(w/o enclosures)

Texas Liqua Tech Services, Incorporated
1819 Milby Street
Houston, Texas 77003
(w/o enclosures)

Vincent's Roofing, Incorporated
7000 South US Highway 77
La Grange, Texas 78945
(w/o enclosures)

American Restoration, Incorporated
2002 West Kirby Street
Wylie, Texas 75098
(w/o enclosures)

Millennium Project Solutions
14023 FM 2100, Suite C
Crosby, Texas 77532
(w/o enclosures)

The White-Turner Contracting Company
13105 Northwest Freeway
Houston, Texas 77040
(w/o enclosures)

Comex Corporation
9841 Spencer Highway
La Porte, Texas 77571
(w/o enclosures)

J.T. Vaughn Construction, L.L.C.
10355 Westpark Drive
Houston, Texas 77042
(w/o enclosures)