



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 24, 2011

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

OR2011-04062

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# 412099.

The University of Houston System (the "university") received a request for all data related to Invitation to Bid No. 730, including respondents' quotes or bids and the specifications of the winning bid. Although you take no position on the public availability of the submitted information, you believe the information may implicate the proprietary interests of the following third parties: Houston Mattress Factory; KLN Steel Products Co.; Goodrum International; Dormlife, LLC; Dynasty Consolidated Industries; and Texas Correctional Industries. 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.¹ We have reviewed the submitted information.

¹See 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).

We note that the submitted information was the subject of a previous request, as a result of which this office issued Open Records Letter No. 2010-18069 (2010). In that ruling, we determined that the university must release the submitted information. As we have no indication that there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the university must continue to rely on Open Records Letter No. 2010-18069 as a previous determination and continue to treat the previously ruled upon information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,



Andrea L. Caldwell
Assistant Attorney General
Open Records Division

ALC/eeg

Ref: ID# 412099

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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