



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 27, 2011

Ms. Zeena Angadicheril  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701

OR2011-10794

Dear Ms. Angadicheril:

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# 425162 (OGC No. 137379).

The University of Texas Southwestern Medical Center (the "university") received a request for the following information related to RFP No. 729-11-31, Project No. 17002W: (1) the complete list of the weighted selection criteria; (2) the weighting of the various selection criteria; and (3) a copy of the proposals turned into the university by the bidders on the project, excluding the requestor's company. You state you have released information responsive to the first two categories of information. Although the university takes no position on whether information subject to the third category is excepted from disclosure, you state that release of this information may implicate the proprietary interests of third parties.<sup>1</sup> Accordingly, you inform us, and provide documentation showing, that you notified the third parties of the request and of their right to submit arguments to this office as to why their information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information.

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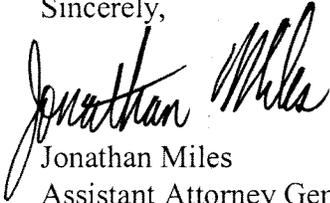
<sup>1</sup>The third parties are the following: Tegrus Construction Company; Tecton Services, LLC; and Vaughn Construction.

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) of the Government Code to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from any of the third parties. We, thus, have no basis for concluding that any portion of the submitted information constitutes the third parties' proprietary 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. Accordingly, the university may not withhold any of the submitted information based on the proprietary interests of the third parties. As no arguments are raised, 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,



Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/em

Ref: ID# 425162

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Royce Weaver  
Tegrus Construction Company  
1295 North Highway 67  
Cedar Hill, Texas 75104  
(w/o enclosures)

Mr. Charles Tucker  
Tecton Services, LLC  
13624 Floyd Circle  
Dallas, Texas 75243  
(w/o enclosures)

Mr. Mike Vaughn  
Vaughn Construction  
3131 McKinney Avenue  
Dallas, Texas 75204  
(w/o enclosures)