



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 22, 2011

Ms. YuShan Chang
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2011-13688

Dear Ms. Chang:

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# 430619 (GC No. 18723).

The City of Houston (the "city") received a request for a copy of request for proposals number S22-Q23056 and the winning proposal response from Ron Smith and Associates, Inc. ("RS&A"). Although you take no position on the public availability of the requested information, you state release of the submitted information may implicate the proprietary interests of RS&A. Accordingly, you state, and provide documentation showing, you notified RS&A of this request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *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). 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 the third 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 correspondence from RS&A. Therefore, because RS&A has not demonstrated that any of the information at issue is proprietary for the purposes of the Act, the city may not withhold any of the submitted information on that basis. *See id.* § 552.110(a)-(b); Open Records

Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Thus, as the city 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, 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/dls

Ref: ID# 430619

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Ron Smith
Ron Smith and Associates, Inc.
P.O. Box 670
Collinsville, Mississippi 39325
(w/o enclosures)