



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 15, 2011

Mr. Eric Bentley
Assistant General Counsel
Office of the General Counsel
University of Houston System
311 East Cullen Building
Houston, Texas 77204-2028

OR2011-16822

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# 436072.

The University of Houston (the "university") received a request for the bid tabulations and prices for the Quadrangle (RFP 730-AW03292011) and Moody (RFP 730-AW03282011) towers. The university received a separate request for the winning bid tabulations and bid packages for the same towers. You take no position on the public availability of the requested information. You believe, however, that the requests for information may implicate the proprietary interests of third parties. You inform us that the interested parties were notified of the requests for information and of their right to submit arguments to this office as to why the requested information should not be released.¹ 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 information you submitted.

¹The notified third parties are: Comex Corporation; Gen-Tech Construction, L.L.C.; Horizon Group International; GraySchor; Miner-Dederick Construction, L.L.P.; Solidarity Contracting, L.L.C.; and W.A. Robbins Construction Co., Inc.

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 any of the third parties that were notified. Therefore, because none of the third parties have demonstrated that any of the information at issue is proprietary for the purposes of the Act, the university 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 university 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,

A handwritten signature in cursive script that reads "Tamara H. Holland".

Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/ag

Ref: ID# 436072

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

Mr. Wendell A. Robbins, III
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(w/o enclosures)

Ms. Gigi W. Clayton
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Ms. Julia Odell
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