



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 28, 2011

Mr. Eric Bentley
Assistant General Counsel
University of Houston
311 Ezekiel Cullen Building
Houston, Texas 77204-2028

OR2011-17405

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# 437063.

The University of Houston (the "university") received a request for the individual team scoring of a request for proposals for design/build services for Cougar Village II student housing. Although you take no position on its public availability, you believe the requested information may implicate the proprietary interests of Austin Commercial; Hoar Construction, LLC; Linbeck Group, LLC; SpawGlass Construction Corporation; and Turner Construction Company. You state, and have provided documentation reflecting, the university notified the third parties concerned of this request for information and of their right to submit arguments to this office as to why the requested information should not be released.¹ We have reviewed the information you submitted.

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 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

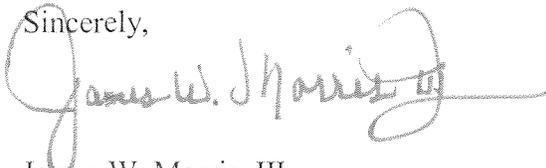
¹*See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

correspondence from any of the third parties the university notified. Thus, because none of the third parties has demonstrated any of the submitted information is proprietary for purposes of the Act, the university may not withhold any of the submitted information on the basis of any proprietary interests the third parties may have in the information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Therefore, 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,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 437063

Enc: Submitted documents

c: Requestor
(w/o enclosures)

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SpawGlass Construction Corporation
13800 West Road
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