



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 12, 2012

Ms. Connie Crawford
Assistant County Attorney
El Paso County Hospital District
4815 Alameda Avenue, 8th Floor, Suite B
El Paso, Texas 79905

OR2012-03645

Dear Ms. Crawford:

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# 447853 (File No. HO-12-005).

The El Paso County Hospital District d/b/a University Medical Center of El Paso (the "district") received a request for four categories of information pertaining to RFP # 935-08/10-002: (1) a copy of the signed contracts; (2) a copy of the evaluations/scoring document, including prices submitted by all vendors; (3) a list of companies that requested the RFP and that submitted proposals; and (4) any reports related to contract performance.¹ You inform us that the district has released some of the requested information. Although you take no position as to whether the submitted information is excepted under the Act, you inform us that release of this information may implicate the proprietary interests of Delgado, Acosta, Spencer, Linebarger & Perez, L.L.P.; Financial Corporation of America; Firstsource Solutions USA, L.L.C.; Medical Management Service, Inc.; RSI Enterprises, Inc.; and Transworld Systems, Inc. (collectively, the "third parties").

¹You inform us that the district sought and received clarification of the request. See Gov't Code § 552.222(b) (providing that if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when governmental entity, acting in good faith, requests clarification or narrowing of unclear or overbroad request for public information, ten-day period to request attorney general ruling is measured from date request is clarified or narrowed).

Accordingly, you notified the third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Act in certain circumstances). We have reviewed the submitted information.

We note 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) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, none of the third parties have submitted comments to this office explaining why the submitted information should not be released. Therefore, we have no basis to conclude that the third parties have a protected proprietary interest in the submitted 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 district may not withhold any portion of the submitted information based upon the proprietary interests of the third parties. As no exceptions to disclosure are raised, the district must release the submitted information.

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_or1.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,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/dls

Ref: ID# 447853

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Letitia Reyna
Firstsource Solutions USA, L.L.C.
1661 Lyndon Farm Court
Louisville, Kentucky 40223
(w/o enclosures)

Ms. Sara Davis
Financial Corporation of America
Building 2, Suite 100
12515 Research Boulevard
Austin, Texas 78759
(w/o enclosures)

Mr. Michael D. Nunez
Transworld Systems, Inc.
Suite 403
1790 North Lee Trevino Drive
El Paso, Texas 79936
(w/o enclosures)

Ms. Olga Mendoza
Medical Management Service, Inc.
Suite 106
3160 North Lee Trevino Drive
El Paso, Texas 79936
(w/o enclosures)

Mr. Christian P. Ulrich
RSI Enterprises, Inc.
5440 West Northern Avenue
Glendale, Arizona 85301
(w/o enclosures)

Ms. Carmen Perez
Delgado, Acosta, Spencer, Linebarger &
Perez, L.L.P.
221 North Kansas Street, Suite 1400
El Paso, Texas 79901
(w/o enclosures)