



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 23, 2012

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

OR2012-04291

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# 449278.

The University of Houston (the "university") received requests from two requestors for information pertaining to Bid Number 730-CH11102011, Energy Research Park Building 4 Conference Center. Although you take no position on whether the requested information is excepted from disclosure, you state that release of this information may implicate the proprietary interests of third parties. Accordingly, you state, and provide documentation showing, you notified the third parties of the requests for information and of their right to submit arguments stating why their information should not be released.<sup>1</sup> *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 the Act in certain circumstances). We have reviewed the submitted information.

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

---

<sup>1</sup>The third parties notified pursuant to section 552.305 are: Vanguard Environments, Inc., Facility Interiors, Inc., Rockford Business Interiors, Office Design Concepts, LLC, J. Tyler Services, Inc., Carroll's Discount Office Furniture, Jimenez Contract Services, Ltd., The Offis, and CRG.

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, this office has not received comments from any of the third parties explaining why their requested information should not be released. Thus, we have no basis to conclude that any of the third parties has 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). Therefore, the university may not withhold any portion of the submitted information based upon the proprietary interests of the third parties. Accordingly, the information at issue 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,



Cynthia G. Tynan  
Assistant Attorney General  
Open Records Division

CGT/em

Ref: ID# 449278

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

fbarksdale@fiinc.com  
c/o Mr. Eric D. Bentley  
Senior Assistant General Counsel  
University of Houston System  
311 Ezekiel Cullen Building  
Houston, Texas 77204-2028  
(w/o enclosures)

joseph@odc-llc.com  
c/o Mr. Eric D. Bentley  
Senior Assistant General Counsel  
University of Houston System  
311 Ezekiel Cullen Building  
Houston, Texas 77204-2028  
(w/o enclosures)

longbothamj@jtyler.com  
c/o Mr. Eric D. Bentley  
Senior Assistant General Counsel  
University of Houston System  
311 Ezekiel Cullen Building  
Houston, Texas 77204-2028  
(w/o enclosures)

lthompson@j-c-s.com  
c/o Mr. Eric D. Bentley  
Senior Assistant General Counsel  
University of Houston System  
311 Ezekiel Cullen Building  
Houston, Texas 77204-2028  
(w/o enclosures)

lezell@theofis.com  
c/o Mr. Eric D. Bentley  
Senior Assistant General Counsel  
University of Houston System  
311 Ezekiel Cullen Building  
Houston, Texas 77204-2028  
(w/o enclosures)

devonr@crgoffice.com  
c/o Mr. Eric D. Bentley  
Senior Assistant General Counsel  
University of Houston System  
311 Ezekiel Cullen Building  
Houston, Texas 77204-2028  
(w/o enclosures)

thanks@vanguardenvironments.com  
c/o Mr. Eric D. Bentley  
Senior Assistant General Counsel  
University of Houston System  
311 Ezekiel Cullen Building  
Houston, Texas 77204-2028  
(w/o enclosures)