



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 7, 2012

Mr. Bob Baker  
Deputy Executive Director, Support Services  
Region 4 Education Service Center  
7145 West Tidwell Road  
Houston, Texas 77092-2096

OR2012-06675

Dear Mr. Baker:

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# 453101.

The Region 4 Education Service Center (the "center") received a request for bid taps related to specified requests for proposals and information provided by or to three named entities during a specified time period. You state most of the information has been released to the requestor. Although the center takes no position regarding whether the submitted information is excepted from disclosure, you state its release may implicate the proprietary interests of Institutorm Technologies, LLC ("Institutorm"). Accordingly, you provide documentation showing you have notified Institutorm of the request and its right to submit arguments to this office. *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.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this ruling, we have not received comments from Institutorm. Thus, we have no basis to conclude Institutorm has a protected proprietary interest in any of the submitted information. *See id.* § 552.110(a)-(b); 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 center may not withhold any of the information at issue on the basis of any proprietary interest Insituform may have in the information. As no exceptions to disclosure have been raised, the submitted information must be released to the requestor.

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,



Misty Haberer Barham  
Assistant Attorney General  
Open Records Division

MHB/som

Ref: ID# 453101

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

c: Mr. H. Douglas Thomas  
VP Global Procurement  
Insituform Technologies  
17988 Edison Avenue  
Chesterfield, Missouri 63005  
(w/o enclosures)