



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 1, 2013

Mr. Vic Ramirez
Associate General Counsel
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

OR2013-11201

Dear Mr. Ramirez:

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# 491849.

The Lower Colorado River Authority (the "authority") received a request for a list of respondents and their proposals for RFQ 7872 and the vendor list and proposals related to a specified contract. You state you have released some information to the requestor. Although you take no position with respect to the public availability of the submitted information, you state the information may involve the proprietary interests of third parties. Accordingly, you inform us, and provide documentation showing, that pursuant to section 552.305 of the Government Code, the authority has notified AECOM; Bullock, Bennett & Associates, LLC ("BB&A"); CH2M Hill; Freese & Nichols, Inc. ("Freese"); Halff and Associates, Inc. ("Halff"); KBR; MS Consultants, Inc. ("MS"); and URS Corporation ("URS") of the request and of their right to submit arguments to this office explaining why this information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

Initially, we note in a letter dated May 29, 2013, the authority states it wishes to withdraw its request for an open records decision with regard to AECOM's, BB&A's, CH2M Hill's,

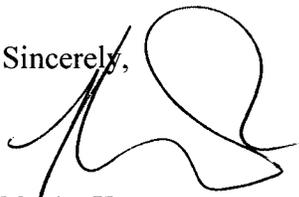
Freese's, KBR's, and MS's information because the requestor is willing to accept redacted versions of this information. Accordingly, you state you will release the information pertaining to these third parties to the requestor. Thus, this information is not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request.

Next, we note that 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, we have not received comments from Halff or URS explaining why their submitted information should not be released. Therefore, we have no basis to conclude that either of these 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 authority may not withhold any portion of the responsive information based upon the proprietary interests of Halff or URS. As no exceptions to disclosure have been raised, the authority must release the responsive information 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, 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,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/bhf

Ref: ID# 491849

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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