



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 14, 2013

Ms. Katheryne MarDock
Assistant General Counsel
Public Information Office
Legal Services
Houston Independent School District
4400 West 18th Street
Houston, Texas 77092-8501

OR2013-19817

Dear Ms. MarDock:

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# 505966 (HISD Ref. No. W082713).

The Houston Independent School District (the "district") received a request for information pertaining to minority participation and minority vendors that was submitted by specified companies in their response to RFQ No. 13-02-01CS for Project Management. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of third parties. Accordingly, you state, and provide documentation showing, you notified the interested 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.¹ *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.

¹The third parties are: AECOM Technical Services, Inc.; AG-CM, Inc.; Aster, LP; Broaddus and Associates, Inc.; Diggs Construction, LLC; ESPA Corp., Inc.; Heery International, Inc.; International Leading Technologies, Inc.; International Museum Corporation d/b/a International Management Corporation; Jacobs Project Management Co.; Johnston, LLC in Association with Hill International, Inc.; Kwame Building Group, Inc.; McConnell, Jones, Lanier & Murphy, LLP; Munoz-Autoarch, Joint Venture; Omega Engineers, Inc.; Parsons Environment & Infrastructure Group, Inc.; PSA Constructors, Inc.; Rich and Gardner Consultants, Inc.; and URS Corporation.

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, we have not received comments from any of the interested third parties explaining why their information should not be released. Therefore, we have no basis to conclude any of 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 the submitted information on the basis of any proprietary interest these third parties may have in it. As no exceptions to disclosure have been raised, 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Michelle R. Garza
Assistant Attorney General
Open Records Division

MRG/som

Ref: ID# 505966

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Aldon Jenkins
Vice President
AECOM Technical Services, Inc.
5757 Woodway Drive, Suite 101 West
Houston, Texas 77057
(w/o enclosures)

Mr. Mark Metyko, PE
Aster, L.P.
1150 Richcrest Drive
Houston, Texas 77060
(w/o enclosures)

Mr. Don B. Kerl, RA
Diggs Construction, LLC
8700 Commerce Park Drive, Suite 112
Houston, Texas 77004
(w/o enclosures)

Mr. David M. Waggoner, VP
Heery International, Inc.
16285 Park Ten Place, Suite 400
Houston, Texas 77084
(w/o enclosures)

Mr. Tony L. Webber
Chief Executive Officer
International Management Corporation
6120 West by Northwest Boulevard, Suite 100
Houston, Texas 77040
(w/o enclosures)

Mr. Joseph Alan Johnston
Chief Executive Officer
Johnston, LLC in Association with Hill
International Inc.
2000 Bering Drive, Suite 850
Houston, Texas 77057
(w/o enclosures)

Ms. P. Gail Anderson
Chief Executive Officer
AG-CM, Inc.
P.O. Box 77018
Houston, Texas 77018
(w/o enclosures)

Mr. James A. Broaddus
President
Broaddus and Associates, Inc.
24 East Greenway Plaza, Suite 1203
Houston, Texas 77046
(w/o enclosures)

Mr. D. Karun Sreerama
President
ESPA Corporation, Inc.
7120 Grand Boulevard, Suite 100
Houston, Texas 77054
(w/o enclosures)

Mr. David Casares
President
International Leading Technologies, Inc.
2500 Tanglewilde Street, Suite 355
Houston, Texas 77063
(w/o enclosures)

Mr. David Syphard
Vice President
Jacobs Project Management Company
5995 Rogerdale Road
Houston, Texas 77072
(w/o enclosures)

Mr. Joshua K. Randall
President
Kwame Building Group, Inc.
1980 Post Oak Boulevard, Suite 1500
Houston, Texas 77056
(w/o enclosures)

Mr. Odysseus M. Lanier
Partner
McConnell, Jones, Lanier & Murphy, LLP
3040 Post Oak Boulevard, Suite 1600
Houston, Texas 77056
(w/o enclosures)

Mr. Santiago Castaneda
Vice President
Omega Engineers, Inc.
16420 Park Ten Place, Suite 520
Houston, Texas 77084
(w/o enclosures)

Mr. Patrick Aliu
President
PSA Constructors, Inc.
9001 Airport Boulevard, Suite 708
Houston, Texas 77061
(w/o enclosures)

Ms. Leisa Nelson
Principal
URS Corporation
10550 Richmond Avenue, Suite 155
Houston, Texas 77042
(w/o enclosures)

Mr. Henry R. Munoz, III
Principal
Munoz-Autoarch, Joint Venture
6200 Savoy, Suite 100
Houston, Texas 77036
(w/o enclosures)

Mr. James E. Smith
Parsons Environment & Infrastructure
Group Inc.
1900 West Loop South, Suite 400
Houston, Texas 77027
(w/o enclosures)

Mr. James D. Rice
President
Rice and Gardner Consultants, Inc.
6161 Savoy Drive, Suite 1212
Houston, Texas 77036
(w/o enclosures)