



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 7, 2014

Ms. Christine Badillo  
Counsel for New Caney Independent School District  
Walsh, Anderson, Gallegos, Green and Treviño, P.C.  
P.O. Box 2156  
Austin, Texas 78768

OR2014-00407

Dear Ms. Badillo:

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# 510092.

The New Caney Independent School District (the "district"), which you represent, received a request for the name of the winning bidder of a specified advertising and marketing contract and a second request from the same requestor for information pertaining to the evaluation committee, criteria, and scores for all proposals submitted for the specified advertising and marketing contract. You state, although the district takes no position with respect to the submitted information, its release may implicate the interests of The Sports Marketing Company ("SMC"). Accordingly, you state, and provide documentation which also demonstrates, the district notified SMC of the request for information and of its right to submit arguments stating why its 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); Open Records Decision No. 542 (1990) (determining 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 and the arguments submitted by SMC. We have also received and considered comments submitted by the requestor. *See Gov't Code § 552.304*.

Initially, we note you have not submitted any information pertaining to the evaluation committee, criteria, and scores. Thus, to the extent such information existed and was maintained by the district on the date the district received the request for information, we

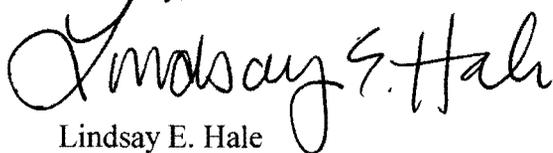
presume the district has released it. If not, the district must do so at this time. *See id.* §§ 552.301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to the requested information, it must release the information as soon as possible).

Next, we note the requests for information are for only the winning bidder's name and information pertaining to the evaluation committee, criteria, and scores for all proposals submitted for the specified advertising and marketing contract. Thus, with the exception of the name of the winning bidder, the remainder of the bid proposal you have submitted is not responsive to the present requests for information. This ruling does not address the public availability of any information that is not responsive to the request, and the district need not release such information in response to these requests. Accordingly, we need not address SMC's arguments against disclosure of the non-responsive information. As no exceptions have been raised for the submitted responsive information, it 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](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,



Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

LEH/tch

Ref: ID# 510092

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. CJ McDaniel  
The Sports Marketing Company  
P.O. Box 336  
Fulshear, Texas 77441  
(w/o enclosures)