



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 20, 2014

Mr. Matthew L. Grove
Assistant County Attorney
County of Fort Bend
401 Jackson Street, 3rd Floor
Richmond, Texas 77469

OR2014-21164

Dear Mr. Grove:

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# 543727.

Fort Bend County (the "county") received a request for all bidder submissions for county invitation for bid 15-013. Although you do not take any position as to whether the submitted information is excepted from disclosure under the Act, you state, and provide documentation showing, you notified Custom Products Corporation; Vulcan, Inc. d/b/a Vulcan Signs; Precision Survey Supply; Osburn Associates, Inc.; Trantex Transportation Products of Texas, Inc.; Allied Tube & Conduit Corporation; Centerline Supply; Rocal, Inc.; 3M Company; Mandel Metals, Inc. d/b/a US Standard Sign; and Pathmark Traffic Products of Texas, Inc. 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. *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.¹

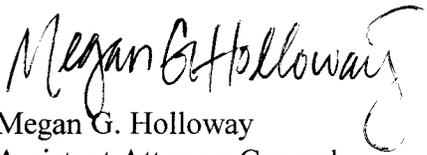
¹We note the county did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b). Nonetheless, a third party's interest can provide a compelling reason to overcome the presumption of openness. *See id.* §§ 552.007, .302, .352.

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) of the Government Code 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 third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude these third parties have protected proprietary interests 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 county may not withhold the submitted information on the basis of any proprietary interest these third parties may have in the information. As no exceptions to disclosure have been raised for the submitted 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, 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,



Megan G. Holloway
Assistant Attorney General
Open Records Division

MGH/cbz

Ref: ID# 543727

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Alex Hoegg
Custom Products Corporation
P.O. Box 54091
Jackson, Mississippi 39288-4091
(w/o enclosures)

Mr. Sam El-Said
Precision Survey Supply
8628 Utica Street, Suite 800
Rancho Cucamonga, California 91730
(w/o enclosures)

Mr. H. Steven Nelson
Trantex Transportation Products of Texas
3310-D Frick Road
Houston, Texas 77086
(w/o enclosures)

Mr. Shane Richmond
Centerline Supply
530 Jesse Street
Grand Prairie, Texas 75051
(w/o enclosures)

Mr. John Morris
3M Company
3M Center Building 225-4N-14
St. Paul, Minnesota 55144-1000
(w/o enclosures)

Mr. Jose Perez
Pathmark Traffic Products of Texas, Inc.
P.O. Box 1066
San Marcos, Texas 78667
(w/o enclosures)

Mr. David Beviacqua
Vulcan Inc. DBA Vulcan Signs
P.O. Box 1850
Foley, Alabama 36536-1850
(w/o enclosures)

Mr. Steven Gastin
Osburn Associates, Inc.
P.O. Box 912
Logan, Ohio 43138
(w/o enclosures)

Mr. Aaron Scott
Allied Tube & Conduit Corporation
16100 South Lathrop Avenue
Harvey, Illinois 60426
(w/o enclosures)

Mr. Alan Christopher
Rocal, Inc.
3186 County Road 550
Frankfurt, Ohio 45628
(w/o enclosures)

Mr. Sean Fallon
Mandel Metals, Inc. DBA US Standard Sign
11400 West Addison Avenue
Franklin Park, Illinois 60131
(w/o enclosures)