



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 28, 2010

Mr. Brian S. Nelson  
General Counsel  
Lone Star College System  
5000 Research Forest Drive  
The Woodlands, Texas 77381-4356

OR2010-09532

Dear Mr. Nelson:

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# 384688.

The Lone Star College System (the "system") received a request for all bid proposals submitted by companies other than the requestor's company in response to Request for Proposals number 10-020, Mechatronics Equipment. Although you indicate the system takes no position with respect to the public availability of the submitted bid proposals, you state their release may implicate the proprietary interests of Advanced Technologies Consultants and Technical Laboratory Systems, Inc. Accordingly, you state, and provide documentation showing, the system notified these companies of the request and of each company's right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* 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 the applicability of exception to disclose under Act in certain circumstances). We have reviewed the submitted information.

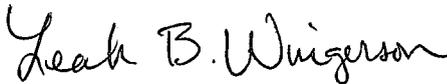
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from either of the notified third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude either of the third parties has protected proprietary interests in this 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. Consequently, the

system may not withhold any of the submitted bid proposal information on the basis of any proprietary interests these companies may have in the information. As no exceptions to disclosure have been claimed, 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.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,



Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/dls

Ref: ID# 384688

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Timothy Brown  
Technical Laboratory Systems, Inc.  
P.O. Box 218609  
Houston, Texas 77218  
(w/o enclosures)

Mr. Thomas Close  
Advanced Technologies Consultants  
P.O. Box 906  
Northville, Michigan 48167  
(w/o enclosures)