



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 18, 2011

Ms. Dona H. Cornell  
General Counsel  
University of Houston System  
311 Ezekiel Cullen Building  
Houston, Texas 77204-2028

OR2011-05364

Dear Ms. Cornell:

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# 414706.

The University of Houston (the "university") received a request for request for quotation ("RFQ") selection criteria scores for responses to two specified RFQs. Although you take no position with respect to the requested information, you state that the proprietary interests of numerous third parties might be implicated. Accordingly, you state, and provide documentation demonstrating, you notified ATC Associates, Inc.; Baer Engineering and Environmental Consulting, Inc.; EFI Global, Inc.; ERC Environmental Consultants, Inc.; ICON; ICU; Indoor Environmental Consultants; JK Inc.; McKee Environmental Health, Inc.; Merit Environmental; Professional Services Industries, Inc.; QC Laboratories, Inc.; SKA Consulting, L.P.; TGE Resources, Inc.; and Terracon Consultants 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(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 received comments from one third party, JK Inc. ("JK"). We have considered the submitted arguments and 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, only JK has submitted comments to this office. We thus have no basis to conclude release of the information will harm the other third parties' proprietary interests. *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 (1990). As for JK, it does not object to the release of the selection criteria scores.<sup>1</sup> Accordingly, the university may not withhold any of the third parties' information based on any proprietary interests they may have. 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.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,



Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

LEH/em

Ref: ID# 414706

Enc. Submitted documents

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<sup>1</sup>JK objects to the release of its financial information, specific client information, and references. These types of information are not responsive to the present request for information. This ruling does not address the public availability of any information that is not responsive to the request.

c: Requestor  
(w/o enclosures)

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