



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 31, 2014

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

OR2014-01930

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# 512719.

The Houston Independent School District (the “district”) received a request for the “bids, proposals, or similar documents from vendors to [the district] to do roof repairs or roof replacement at the Rusk School” for a specified time period. You state the district will release some of the requested information. You state, although the district takes no position with respect to the remaining requested information, its release may implicate the interests of Satterfield & Pontikes Construction, Inc. (“Satterfield”). Accordingly, you state, and provide documentation demonstrating, the district notified Satterfield 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.

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 requested information relating to it should be withheld from disclosure. *See* Gov’t Code § 552.305(d)(2)(B). As of the date of this letter, this office has not received comments from Satterfield explaining why its information should not be released to the requestor. Thus, we have no basis to conclude the release of any portion of

the submitted information would implicate the third party's interests, and none of the submitted information may be withheld on that basis. *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. As no exceptions to disclosure have been raised, the district must release the submitted information.

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/tch

Ref: ID# 512719

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. John Marshall
Vice President
Satterfield & Pontikes Construction, Inc.
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(w/o enclosures)