



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 23, 2014

Ms. Sarah W. Langlois
Counsel for Harris County Department of Education
Rogers, Morris & Grover, L.L.P.
5718 Westheimer Road, Suite 1200
Houston, Texas 77057

OR2014-08934

Dear Ms. Langlois:

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# 524066.

The Harris County Department of Education (the "department"), which you represent, received a request for the coefficients for all of the Construction-IDIQ (JOC) contractors that are currently under contract for each regional educational service center. Although you take no position with respect to the public availability of the requested information, you state release of this information may implicate the proprietary interests of third parties. Accordingly, you state and provide documentation showing, you have notified these third parties of the request for information and of their right to submit arguments to this office as to why the requested information should not be released.¹ 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) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party

¹The notified third parties are: Adept Facilities and Design; Alpha Building Corporation; Baseline Paving & Construction, Inc.; Basic IDIQ; Centennial Contractors; Centerline Construction Services, Inc.; Construction Masters of Houston; Dycor, Inc.; E Contractors USA; Facilities Sources; Falkenberg Construction Co., Inc.; Herrera & Hunt, Inc.; Horizon International Group, LLC; Hunt and Associates, Inc.; Kellogg Brown & Root, LLC; Millenium Project Solutions, Inc.; P2MG; Panhandle Steel Buildings, Inc.; Quad-Tex Contractors, Inc.; Tommy Klein Construction; and Vaughn Construction.

to raise and explain applicability of exception to disclosure under the circumstances). We have reviewed the submitted information.

Initially, we note some of the submitted information is not responsive to the request for information because it does not consist of the requested coefficients. This ruling does not address the public availability of information that is not responsive to the request, and the department is not required to release non-responsive information.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *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. Thus, none of the third parties have demonstrated a protected proprietary interest in any of the information at issue. *See id.* § 552.110(a)-(b); 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 department may not withhold the responsive information on the basis of any proprietary interests the third parties may have in the information. As no exceptions to disclosure are raised, the responsive 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.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,

A handwritten signature in black ink, appearing to read 'Sarah Casterline', with a large circular flourish at the end.

Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/bhf

Ref: ID# 524066

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Basic IDIQ
7015 West Tidwell, Suite G-111A
Houston, Texas 77092
(w/o enclosures)

Construction Masters of Houston
3908 Third Street
Pearland, Texas 77581
(w/o enclosures)

Centennial Contractors
2900 Woodridge, Suite 200
Houston, Texas 77087
(w/o enclosures)

Kellogg Brown & Root
1215 Labco
Houston, Texas 77029
(w/o enclosures)

Vaughn Construction
10355 Westpark Drive
Houston, Texas 77042
(w/o enclosures)

Tommy Klein Construction
3811 62nd Drive
Lubbock, Texas 79413
(w/o enclosures)

Alpha Building Construction
24850 Blanco Road
San Antonio, Texas 78260
(w/o enclosures)

Facilities Sources
13124 Player Street
Houston, Texas 77045
(w/o enclosures)

P2MG
Suite 102
10303 Northwest Freeway
Houston, Texas 77092
(w/o enclosures)

E Contractors USA
Suite 200
7120 Grand Boulevard
Houston, Texas 77054
(w/o enclosures)

Quad-Tex Constructors
3600 Park Meadow
Bryan, Texas 77802
(w/o enclosures)

Horizon International Group
1999 Gulfmart Drive
San Antonio, Texas 78217
(w/o enclosures)

Hunt and Associates
1837 Cisco Drive
Los Fresnos, Texas 78566
(w/o enclosures)

Centerline Construction Services
13526 Cypress Lane
Cypress, Texas 77429
(w/o enclosures)

Millennium Project Solutions
14026 FM 2100, Suite C
Crosby, Texas 77532
(w/o enclosures)

Herrera & Hunt
1837 Cisco Drive
Los Fresnos, Texas 78566
(w/o enclosures)

Panhandle Steel Buildings
1001 NE 5th Avenue
Amarillo, Texas 79107
(w/o enclosures)

Dycor
2911 East Broadway, Suite 109
Pearland, Texas 77581
(w/o enclosures)

Falkenberg Construction
4850 Samuell Boulevard
Mesquite, Texas 75149
(w/o enclosures)

Baseline Paving & Construction
37817 FM 1774
Magnolia, Texas 77355
(w/o enclosures)