



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 7, 2014

Mr. Vic Ramirez  
Associate General Counsel  
Lower Colorado River Authority  
P.O. Box 220  
Austin, Texas 78767-0220

OR2014-13731

Dear Mr. Ramirez:

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# 532037.

The Lower Colorado River Authority (the "authority") received two requests from different requestors for the bid tabulation from a specified RFP. Although you take no position regarding whether the submitted information is excepted from disclosure, you state its release may implicate the proprietary interests of Bennett Paving, Inc. ("Bennett"); Contractors Asphalt Paving and Maintenance ("Contractors"); Doyenne Constructors, LLC ("Doyenne"); Keystone Construction, Inc. ("Keystone"); LMC Corporation ("LMC"); SpawGlass, and Zimmerman Construction Co., Inc. ("Zimmerman"). Accordingly, you state, and provide documentation showing, you notified Bennett, Contractors, Doyenne, Keystone, LMC, SpawGlass, and Zimmerman of the request and their rights to submit arguments to this office. *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 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 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 ruling, we have not received comments from Bennett, Contractors, Doyenne, Keystone,

LMC, SpawGlass, or Zimmerman. Thus, we have no basis to conclude Bennett, Contractors, Doyenne, Keystone, LMC, SpawGlass, or Zimmerman has a protected proprietary interest in the submitted information. *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 authority may not withhold any of the submitted information on the basis of any proprietary interest Bennett, Contractors, Doyenne, Keystone, LMC, SpawGlass, or Zimmerman may have in the information. As we have received no arguments against disclosure, 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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,



Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/dls

Ref: ID# 532037

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)

Mr. Bryan Bennett  
Bennett Paving  
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Leander, Texas 78641  
(w/o enclosures)

Mr. Andrew Wallendorf  
Doyenne Constructors, L.L.C.  
11701 FM 2244, Suite 218  
Bee Cave, Texas 78738  
(w/o enclosures)

Mr. Jake Zerbe  
Construction Manager  
LMC Corporation  
10812 Hillpoint  
San Antonio, Texas 78217  
(w/o enclosures)

Mr. Rusty Stout  
Project Manager  
Zimmerman Construction Co., Inc.  
c/o Mr. Vic Ramirez  
Associate General Counsel  
Lower Colorado River Authority  
P.O. Box 220  
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(w/o enclosures)

Mr. Shawn Knoche  
Contractors Asphalt  
713 Linger Lane  
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Mr. Larry Vinklarek  
Keystone Construction, Inc.  
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Mr. Mark Harrington  
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1111 Smith Road  
Austin, Texas 78721  
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