



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 28, 2014

Mr. Jeffrey W. Giles  
Assistant City Attorney  
Legal Department  
City of Houston  
P.O. Box 368  
Houston, Texas 77001-0368

OR2014-19411

Dear Mr. Giles:

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# 541249 (GC No. 21669).

The City of Houston (the "city") received a request for (1) executed contracts pertaining to request for proposals S46-T23830 and S46-T24217; (2) documents showing how vendors were scored or ranked during evaluations; (3) the pricing information submitted by all vendors; (4) a list of companies requesting the specified request for proposals, and a list of companies submitting proposals; and (5) any reports related to contract performance during a specified time period.<sup>1</sup> You state some information will be released to the requestor. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of Convergent Resources, Inc. ("Convergent"); Credit Systems International, Inc. ("Credit Systems"); GC Services, L.P. ("GC Services"); Goldman, Imani, & Goldberg, Inc. ("Goldman"); Lam, Lyn, & Phillip, P.C. ("Lam"); Online Information Services, Inc. ("Online

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<sup>1</sup>We note the city sought and received clarification of the information requested. See Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

Information”); United Collection Bureau (“United Collection”); and Gila, L.L.C. d/b/a Municipal Services Bureau (“Municipal Services”). Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of their rights 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 GC Services. We have reviewed the submitted information and considered the submitted arguments.

Initially, we note 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 Convergent, Credit Systems, Goldman, Lam, Online Information, United Collection, or Municipal Services explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of these third parties has a protected proprietary interest in the submitted 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. Accordingly, the city may not withhold the submitted information on the basis of any proprietary interest these third parties may have in the information.

Next, we note GC Services only argues against the disclosure of information that was not submitted by the city for our review. This ruling does not address information that was not submitted by the city and is limited to information submitted as responsive by the city. *See* Gov’t Code § 552.301(e)(1)(D) (governmental body requesting decision from attorney general must submit copy of specific information requested). As GC Services has not submitted arguments against disclosure of any of the submitted information, the city may not withhold any information on the basis of GC Services’ arguments. As no other exceptions to disclosure have been raised, the city 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](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,



Lauren Dahlstein  
Assistant Attorney General  
Open Records Division

LMD/som

Ref: ID# 541249

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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Ms. Darlene Mead  
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