



January 14, 2015

Mr. Ronn P. Garcia
Counsel for Region 17 Education Service Center
Underwood Law Firm, P.C.
P.O. Box 16197
Lubbock, Texas 79490

OR2015-00736

Dear Mr. Garcia:

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# 550356.

The Region 17 Education Service Center (the "center"), which you represent, received a request for the bids and award tabulation for the Commercial Food Services Supplies bid for specified school years for the West Texas Food Service Co-Op. Although the center takes no position as to whether the submitted information is excepted under the Act, the center states release of this information may implicate the proprietary interests of Dee's Food Service; Labatt Food Services; Quintero's Meat Company, Inc.; and Sysco West Texas. Accordingly, the center states, and provides documentation showing, it notified these third parties 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 reviewed the submitted information.

The center states the submitted information was the subject of two previous requests for information, in response to which this office issued Open Records Letter No. 2014-12760 (2014). In Open Records Letter No. 2014-12760, we determined the center must release the submitted information. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the center must continue to rely on Open Records Letter No. 2014-12760 as a previous determination and release the submitted

information in accordance with that ruling. See Open Records Decision No. 673 at 6-7 (2001) (discussing criteria for first type of previous determination).

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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 550356

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. David A. Elwell
Dee's Food Service
19 Butterfield Trail
El Paso, Texas 79906
(w/o enclosures)

Mr. Juan Garcia
Quintero's Meat Company, Inc.
4413 Durazno Avenue
El Paso, Texas 79905
(w/o enclosures)

Mr. Alfred Garcia
Labatt Food Services
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Lubbock, Texas 79404
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