



January 29, 2015

Mr. Frank L. Melton  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283

OR2015-01783

Dear Mr. Melton:

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# 551783 (COSA File No. W038841-110514).

The City of San Antonio (the "city") received a request for the coefficients of the selected bidders of a specified request for proposals. You state the city will release some of the requested information. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code.<sup>1</sup> In addition, you state release of this information may implicate the proprietary interests of third parties. Accordingly, you state, and provide documentation showing, you notified the 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.<sup>2</sup> *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

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<sup>1</sup> Although you raise section 552.107 of the Government Code, you make no arguments to support this exception. Therefore, we assume you have withdrawn your claim this section applies to the requested information. *See* Gov't Code §§ 552.301, .302.

<sup>2</sup> The third parties notified were Alpha Building Corporation; Con-Cor, Inc. ("Con-Cor"); Davila Construction, Inc.; Eaton Commercial, L.P.; F.A. Nunnally Co.; Horizon Group International; Healthy Resources Enterprise, Inc.; Jamail and Smith Construction; Kellogg Brown & Root; and The Sabinal Group ("Sabinal").

in certain circumstances). We received comments from Con-Cor and Sabinal. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note the requestor only seeks the coefficients of the selected bidders of the specified request for proposals. Accordingly, any other information is not responsive to the request for information. This ruling does not address the public availability of the non-responsive information, and the city need not release it in response to this request.

Next, you state the information at issue was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2015-01231 (2015). In that ruling, we determined the city must release the responsive information. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the city must rely on Open Records Letter No. 2015-01231 as a previous determination and release the responsive information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As our ruling is dispositive, we need not consider your argument against disclosure.

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,



Megan G. Holloway  
Assistant Attorney General  
Open Records Division

MGH/cbz

Ref: ID# 551783

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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(w/o enclosures)

Mr. Al Kashani  
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Mr. Tony Davila  
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Mr. Gregory Smith, PE  
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