



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 14, 2015

Ms. Lisa Ott Laky  
General Counsel  
Austin Travis County Integral Care  
P.O. Box 3548  
Austin, Texas 78764

OR2015-09389

Dear Ms. Laky:

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# 563787.

Austin Travis County Integral Care ("ATCIC") received four requests from four different requestors seeking the scoring sheet, bid tabulation results, hourly billing rates and other information regarding a specified request for proposals. You state you have released some of the requested information. Although you take no position as to whether the submitted information is excepted under the Act, you state release of some of this information may implicate the proprietary interest of ACT Security Group ("ACT"), Pro Security Group, Inc. ("Pro Security"), Nighteyes Protective Services, Inc. ("Nighteyes"), Dennis Security and Professional Services, LLC ("Dennis"), Arber, Inc. ("Arber"), Texas Star Security ("Texas Star"), GPS Security, LLC ("GPS"), and All Pro Security Services, LTD ("All Pro"). Accordingly, you state you notified these parties of the request for information and of their rights to submit arguments to this office as to why the information at issue 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.

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) of the Government Code 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 ACT, Pro Security, Nighteyes, Dennis, Arber, Texas Star, GPS, or All Pro explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of the parties have 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, ATCIC may not withhold the submitted information on the basis of any proprietary interest a notified party may have in the information. As no exceptions to disclosure have been raised, ATCIC 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,



Katelyn Blackburn-Rader  
Assistant Attorney General  
Open Records Division

KB-R/akg

Ref: ID# 563787

Enc. Submitted documents

c: 4 Requestors  
(w/o enclosures)

Mr. Fernando Rodriguez  
Nighteyes Protective Services, Inc.  
2407 East Yandell Drive  
El Paso, Texas 79903  
(w/o enclosures)

Mr. Robert Lozano  
Arber, Inc.  
1716 South San Marcos, Suite 120  
San Antonio, Texas 78207  
(w/o enclosures)

Mr. Victor Rodriguez  
GPS Security LLC  
801 East Fern Avenue, Suite 128  
McAllen, Texas 78501  
(w/o enclosures)

Mr. Nicholas Rhames  
Texas Star Security  
600 South Valley Mills Drive  
Waco, Texas 76711  
(w/o enclosures)