



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 16, 2015

Ms. Tiffany Evans  
Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 368  
Houston, Texas 77001-0368

OR2015-11865

Dear Ms. Evans:

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# 569436 (GC No. 22266).

The City of Houston (the "city") received a request for the bid tabulation for RFQ# 6000057245. The city does not take a position as to whether the submitted information is excepted from disclosure under the Act. However, the city states, and provides documentation showing, it notified Adprint International, Inc.; Amazing Awards, Inc.; Marketability, Inc.; MCS Enterprises; and Pro Mo Stuff, LLC, of the city's receipt of the request for information and of the right of each to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (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.

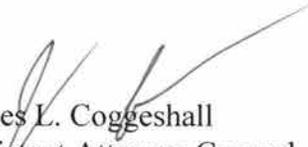
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, none of the interested third parties has submitted to this office any reasons explaining why the requested information should not be

released. Thus, we have no basis for concluding the submitted information constitutes proprietary information of these third parties, and the city may not withhold any portion of it on that basis. See 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, 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. Therefore, the city must release the submitted information to the requestor.

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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/cbz

Ref: ID# 569436

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Teresa Ray  
Adprint International, Inc.  
6500 Greenbriar Drive  
Houston, Texas 77030  
(w/o enclosures)

Ms. Mary Gilmore  
Amazing Awards, Inc.  
4622 FM 1960 West, Suite A  
Houston, Texas 77069  
(w/o enclosures)

Ms. Michele Blake  
Marketability, Inc.  
404 Reinerman Street  
Houston, Texas 77007  
(w/o enclosures)

Mr. James John Donatto  
MCS Enterprises  
4112 Fannin  
Houston, Texas 77004  
(w/o enclosures)

Ms. Laura McMilion  
Pro Mo Stuff, LLC  
18406 Driftwood Shores Court  
Cypress, Texas 77433  
(w/o enclosures)