



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 9, 2015

Ms. Y. Nicole Montgomery  
General Counsel  
YES Prep Public Schools, Inc.  
6201 Bonhomme Road, Suite 168N  
Houston, Texas 77036

OR2015-21226

Dear Ms. Montgomery:

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# 582508.

YES Prep Public Schools, Inc. (the "school") received a request for specified prices submitted by all bidders for a specified request for proposals and the name of the company awarded the business. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interest of Revolution Foods, Inc., Food Masters, and Northwest Catering Company. 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.

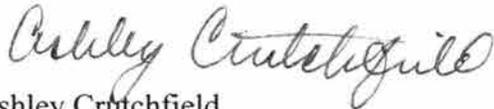
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, none of the notified 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 the notified third parties. *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. Accordingly, the school may not withhold the submitted information on the basis of any proprietary interests the third parties may have in it. As no exceptions to disclosure have been raised, the submitted information must be released.

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,



Ashley Crutchfield  
Assistant Attorney General  
Open Records Division

AC/dls

Ref: ID# 582508

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Joyce Huang  
Revolution Foods, Inc.  
13823 North Promenade Boulevard  
Stafford, Texas 77477  
(w/o enclosures)

Ms. Toni Watts  
Food Masters  
10850 Wilcrest Drive, Suite 160  
Houston, Texas 77099  
(w/o enclosures)

Ms. Sarah Merrill  
Northwest Catering Company  
10400 Harwin Drive  
Houston, Texas 77036  
(w/o enclosures)