



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 10, 2015

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

OR2015-23667

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# 586625.

The Region 17 Education Service Center (the "center"), which you represent, received a request for a copy of the bid recap pertaining to a specified request for proposals. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of third parties.<sup>1</sup> 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. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305

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<sup>1</sup>The center notified the following third parties: Advances Pierre Foods; Alpha Foods Company; American Foods Group; Basic American Foods; Best Express Foods; Bongard Creameries; Bosco's Pizza Co.; Brookwood Farms, Inc.; Cargill Kitchen Solutions; Cargill Meat Solutions; Cavendish Farms, Inc.; Con Agra Foods Gilardi; Dave's Baking; ES Foods; Foster Poultry Farms; Fresh Innovations of CA; Giorgio Foods, Inc.; Goodman Foods Products d/b/a Don Lee Farms; High Liner Foods (USA), Inc.; Horizon Snack Foods; Idahoan Foods, L.L.C.; Integrated Food Service; J & J Snack Foods Corp.; J.R. Simplot; Jennie-O Turkey Store; JM Smucker Company; JSB Industries, Inc.; JTM Food Group; Lamb Weston; Land O'Lakes, Inc.; M.C.I. Foods, Inc./Los Cabos Mexican Foods; Maid-Rite Specialty Foods, L.L.C.; McCain Foods USA; Michael Foods, Inc.; Mrs. Clark's Foods; Nardone Brothers Pizza; National Food Group; Pilgrim's Pride Corp.; Red Gold, L.L.C.; Rich Chicks; Rich Products Corp.; Rodriguez Foods LTD; S.A. Piazza; Schwan's Food Service; Tabatchnick Fine Foods, Inc.; Tasty Brands; Trident Seafoods; Tyson Foods, Inc.; Uno Foods, Inc.; Wawona Frozen Foods; Out of the Shell, L.L.C. d/b/a Ling's; and Asian Food Solutions.

permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from Best Express Foods (“Best Express”); Giorgio Foods, Inc. (“Giorgio”); Michael Foods, Inc. (“Michael”); National Food Group (“National”); Pilgrim’s Pride Corporation (“Pilgrim’s”); and Tyson Foods, Inc. (“Tyson”). We have considered the submitted arguments and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2015-22080 (2015). In Open Records Letter No. 2015-22080, we concluded (1) the center may withhold the pricing information Michael indicated and Pilgrim’s information under section 552.104(a) of the Government Code; (2) with the exception of their winning bids, the center must withhold the pricing information of Giorgio, National, and Tyson under section 552.110(b) of the Government Code; and (3) the center must release the remaining information. There is no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, the center must continue to rely on Open Records Letter No. 2015-22080 as a previous determination and withhold or release the submitted 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).

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,



Kenny Moreland  
Assistant Attorney General  
Open Records Division

KJM/som

Ref: ID# 586625

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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