



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 4, 2015

Mr. Matthew L. Grove
Assistant County Attorney
Fort Bend County
401 Jackson Street, 3rd Floor
Richmond, Texas 77469

OR2015-25404

Dear Mr. Grove:

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# 589278.

Fort Bend County (the "county") received a request for the pricing and staffing pages related to the responses provided by vendors to a specified request for proposals. Although you take no position as to whether the submitted information is excepted under the Act, you inform us its release may implicate the proprietary interests of certain third parties. Accordingly, you state, and provide documentation demonstrating, you notified the third parties of the request for information and of their right to submit arguments stating why their information should not be released.¹ *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

We note that an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, we have not received correspondence from any third parties. Therefore, we have no basis to conclude any third party has any protected proprietary interest in the

¹The third parties notified pursuant to section 552.305 are the following: Alanton Group, Inc.; American Facility Services, Inc.; Andrews Building Service, Inc.; C&S Janitorial Services, Inc.; Caring Commercial Cleaning, Inc.; Executive Building Systems, Inc.; High Quality Cleaning Services; James Enterprise; Kemp & Sons General Services, Inc.; Kleen-Tech Services Corporation; Magic Brite Janitorial; Marsden Services; Member's Building Maintenance, L.L.C.; NCC Services, Inc.; Ultra Building Services, Inc.; and Varsity Facility Services.

submitted information. *See id.* § 552.110(a)-(b); 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, the county may not withhold any portion of the submitted information based upon the proprietary interest of any third party. As no exceptions to disclosure have been raised, the county 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, 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,



Britni Ramirez
Assistant Attorney General
Open Records Division

BR/bhf

Ref: ID# 589278

Enc. Submitted documents

c: Requestor
(w/o enclosures)

16 Third Parties
c/o Matthew L Grove
Assistant County Attorney
Fort Bend County
401 Jackson Street-3rd Floor
Richmond, Texas 77469
(w/o enclosures)