



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 10, 2016

Ms. Ana Viera Ayala  
Senior Attorney & Public Information Coordinator  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701

OR2016-03177

Dear Ms. Ayala:

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# 597773 (OGC# 166225).

The University of Texas at El Paso (the "university") received a request for a specified bid tabulation. 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 interests of 3MB Interior Plus; Allison Enterprises, Inc.; Applied Industrial Technologies; AS General Contractors, L.L.C.; Florence Filter Corporation; The Johnston Company, Inc.; Koch Filter Corporation; MSC Industrial Supply Company; Motion Industries, Inc.; PC Automated Controls, Inc.; and Talladega Machinery and Supply Company, Inc. Accordingly, you state, and provide documentation showing, you notified these third 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 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 any of the third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of the third parties has protected proprietary interests 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, the university may not withhold the submitted information on the basis of any proprietary interest the third parties may have in the information. As you raise no exceptions to disclosure, 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,



Ramsey Abarca  
Assistant Attorney General  
Open Records Division

RAA/dls

Ref: ID# 597773

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Bernadette Blair  
3MB Interior Plus  
c/o Ms. Ana Viera Ayala  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701  
(w/o enclosures)

Mr. Neal Allison  
Allison Enterprises, Inc.  
c/o Ms. Ana Viera Ayala  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701  
(w/o enclosures)

Mr. Jose Negrete  
Applied Industrial Technologies  
c/o Ms. Ana Viera Ayala  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701  
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Ms. Karen Lopez  
Florence Filter Corporation  
c/o Ms. Ana Viera Ayala  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701  
(w/o enclosures)

Ms. Frederica Marshall  
Koch Filter Corporation  
c/o Ms. Ana Viera Ayala  
The University of Texas System  
201 West Seventh Street  
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Mr. Jose D. Haro  
Motion Industries, Inc.  
c/o Ms. Ana Viera Ayala  
The University of Texas System  
201 West Seventh Street  
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Mr. David Heacock  
Talladega Machinery and Supply  
Company, Inc.  
c/o Ms. Ana Viera Ayala  
The University of Texas System  
201 West Seventh Street  
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Ms. Flor Isela Lujan  
AS General Contractors, L.L.C.  
c/o Ms. Ana Viera Ayala  
The University of Texas System  
201 West Seventh Street  
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Mr. Kevin L. Givens  
The Johnston Company, Inc.  
c/o Ms. Ana Viera Ayala  
The University of Texas System  
201 West Seventh Street  
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Mr. Steven John Pena  
MSC Industrial Supply Company  
c/o Ms. Ana Viera Ayala  
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Mr. Bob Linzey  
PC Automated Controls, Inc.  
c/o Ms. Ana Viera Ayala  
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