



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 30, 2019

Mr. Rahat Huq  
Assistant City Attorney  
City of Houston  
P.O. Box 368  
Houston, Texas 77001-0368

OR2019-30640

Dear Mr. Huq:

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# 791770 (GC No. 26082).

The City of Houston (the "city") received a request for five categories of information pertaining to a specified request for proposals. You state the city has released some of the requested information. Although the city takes no position as to whether the submitted information is excepted under the Act, the city states release of the submitted information may implicate the proprietary interests of B2GNow; Cobblestone Software ("Cobblestone"); Good Mojo; Precision Task Group ("PTG"); Sogeti USA ("Sogeti"); and UR International. Accordingly, the city states, and provides documentation showing, it notified these parties of the request for information and of the 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 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 Cobblestone, PTG, and Sogeti. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note most of the information is not responsive to the instant request for information because it does not pertain to the winning bidder. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release such information in response to this request.<sup>1</sup>

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<sup>1</sup> As we are able to make this determination, we need not address the submitted third party arguments against disclosure of this information.

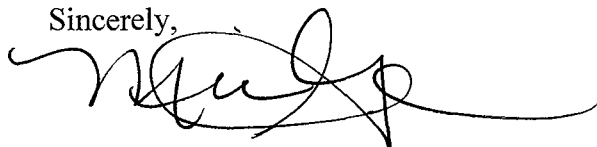
Next, we note the city has not submitted the requested pricing proposal for the winning bidder. To the extent information responsive to this portion of the request existed on the date the city received the request, we assume the city has released it. If the city has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

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 B2GNow explaining why the submitted information should not be released. Therefore, we have no basis to conclude B2GNow has a protected proprietary interest in the responsive 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 city may not withhold the responsive information on the basis of any proprietary interest B2GNow may have in the responsive information. As no arguments against disclosure have been raised for this information, the responsive 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michelle Garza', with a long horizontal flourish extending to the right.

Michelle Garza  
Attorney  
Open Records Division

MRG/rm

Mr. Rahat Huq - Page 3

Ref: ID# 791770

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

6 Third Parties  
(w/o enclosures)