



Theodore C. Anderson
Managing Director
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January 3, 2020

CMRR #70190700000025633993

The Honorable Ken Paxton
The Office of the Attorney General of Texas
Open Records Division
P. O. Box 12548
Austin, Texas 78711

Re: Objection by charlieuniformtango to Request for Public Information dated December 3, 2019 by Robert Montoya (the "Request"); TRWD Request 19.133

Dear General Paxton:

During the calendar year 2019, charlieuniformtango worked with RO Two Media LLC on a bid to Tarrant Regional Water District. The District has entered into two separate projects with RO Two Media LLC and charlieuniformtango during the 2019 Calendar year. Importantly, the marketing campaign is ongoing. While the Request does not seek the executed contracts resulting from the RFP, the District has separately received a ruling from the Attorney General's office stating that the District may withhold the executed contracts related to the RFP due to ongoing competitive bidding situations. *See* Tex. Atty Gen. OR2019027823. The RFP and the related proposals were not sought in the Requester's July 12, 2019 request.

On December 19, 2019 charlieuniformtango received notice from the Tarrant Regional Water District advising that it had received a formal request to inspect Tarrant Regional Water District files that include a document received from charlieuniformtango. A redacted copy of that document, Bid Date: 5.23.29, is attached under Tab 1.

charlieuniformtango hereby objects to the production of this document. Below, charlieuniformtango identifies the exceptions to disclosure that apply, the information to which such exceptions apply, and charlieuniformtango respectfully requests a ruling on the matter.

§552.104. Exception: Information Related to Competition or Bidding

charlieuniformtango believes the entirety of the requested information for Bid Date: 5.23.29 included under Tab "1" is excepted from disclosure by Section 552.104 (Exception: Information Relating to Competition or Bidding of the Act, which provides, in pertinent part, that "[i]nformation is excepted from the requirements of Section 552.021 if it is information that, if released, would give advantage to a competitor or bidder." TEX.GOV'T CODE ANN. §552.104. The redacted information sets forth a format for itemizing costs, estimations of work/hours and estimated cost summaries that separately and all together constitute trade secret information to charlieuniformtango that would provide a competitive advantage to competitors of charlieuniformtango. Rates are offered and customized specifically for each client and bid individually, and releasing rates would allow other potential clients or clients to see what was charged across all categories. It also would allow our competitors to see what we charge, and give them the ability to undercut our rates, even if slightly.

The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 446 S.W.3d 831, 841 (Tex. 2015); *see also* Tex. Att'y Gen. Op. OR2016-16453 (2016). charlieuniformtango would be at a disadvantage in releasing its format for itemized costs, estimations of hours and estimated cost summaries. Section 552.104 protects information from disclosure if the government body demonstrates potential harm its interests in a particular competitive situation. *See* Open Records Decision No, 463 (1987) *see* Op Tex. Att'y Gen. No. OR2013-18010 (2013). The responsive information gives insight as to how Charlieuniformtango prices the bid in the marketing campaign. In total, release of the responsive information would provide a clear threat of harm to charlieuniformtango's ability to provide the best pricing and contractual provisions in the current and continuing marketing campaigns of the Tarrant Regional Water District. The release of this information would allow competitors to mirror and undercut the bidding for future bids on this ongoing Tarrant County Regional Water District program.

§552.110. Confidentiality of Trade Secrets

The redacted information sets forth itemized costs, estimations of work/hours and estimated cost summaries that separately and all together constitute trade secret information to charlieuniformtango. The information reveals the process, the worker/hours, the costs and pricing of the bid submitted by charlieuniformtango. charlieuniformtango spent approximately eleven thousand dollars (\$11,000) to be part of AICP and have access to the form used in this bidding process. charlieuniformtango spent in excess of tens of thousands of dollars in labor and in excess of hundreds of hours of time in analyzing their labor costs and time costs in developing the cost and pricing information on its bidding form. The cost and pricing information is protected by charlieuniformtango's written employment policy of confidentiality. Disclosure of the cost and

Honorable Ken Paxton
January 3, 2020
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pricing information would cause substantial competitive harm to charlieuniformtango because competitors could identify and undercut the pricing. A company's confidential pricing and rate information may qualify as a trade secret *Waste Management of Texas, Inc. v. Greg Abbott*, no. 406 S.W.3d 626 (Eastland 2013) *In re Union Pac. R.R. Co.*, 294 S.W.3d at 591-92; *Fox v. Tropical Warehouses, Inc.*, 121 S.W.3d 853, 858-59 (Tex.App.-Fort Worth 2003, no pet.).

charlieuniformtango hereby certifies that the factual statements made herein are true and correct. For the foregoing reasons, charlieuniformtango respectfully requests that the Attorney General issue his opinion ruling that the information included under Tab "1" at issue herein is excepted from disclosure and that charlieuniformtango may withhold the information. As required by Texas Government Code §552.301(e)(1)(D), the responsive information is attached hereto at Tab "1." charlieuniformtango believes the listed exception applies to all of the information included at Tab"1."

Respectfully submitted,

Theodore C. Anderson

Theodore C. Anderson

Enclosures

✓ cc: Mr. Robert Montoya
Empower Texas
P. O. Box 700981
Dallas, Texas 75230

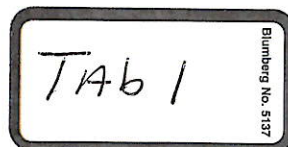
CHARLIE UNIFORM TANGO

BID DATE:	5.23.19	AGENCY:	Richards Partners
POST-PRODUCTION:	charlieuniformtango	ADDRESS:	
ADDRESS:	1722 routh Suite 204 Dallas, TX 75201	PHONE:	
PHONE:	(214)922-9222	FAX:	
FAX:	(214)922-9227	CLIENT:	Water
EXEC.PRODUCER	Jeff Elmore	PRODUCT:	
PRODUCER:		AGENCY JOB NO.:	
EDITOR:	TBD	BUS. MANAGER:	
GRAPHICS DESIGN ASSISTANT		AGENCY PRODUCER:	
TELEPHONE:		CREATIVES:	
CONTACT:			
DIRECTOR:			
PROJECT INFORMATION:		SCHEDULE	
TITLE:	LENGTH:	CODE:	PRODUCTION DATES:
			EDITORIAL DATES:
			FINISH DATES:
			DUE DATE:

SUMMARY OF ESTIMATED POST PRODUCTION COSTS:

[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
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[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]

COMMENTS:	
INCLUDED:	[Redacted]
	[Redacted]
	[Redacted]
	[Redacted]
	[Redacted]
	[Redacted]



[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

#

I	EQUIPMENT COSTS	No	DAYS	RATE	ESTIMATE
193				0	

#

O	POST PRODUCTION LABOR	No	DAYS	RATE	OVERTIME		ESTIMATE
					1.5	2	
277	Post Producer						
278	Designer						
279	Offline Editor						
280	Assistant Editor						
281	Post Production Assistant						
Markup 0.00% 0.00					SUB TOTAL		
Insurance 0.00% 0.00					P & W		
					FRINGE 2		
					BID TOTAL O		

P	EDITORIAL FINISHING POST PRODUCTION	No	DAYS	RATE	OVERTIME		ESTIMATE
					1.5	2	
282	Film to Tape Color Correction						
283	Tape to Tape Color Correction						
284	One-Light Film to Video Transfer						
285	Transfer Tape Stock						
286	Transfer Dubs						
287	Avid Meridien Bay						
288							
289	Offline Tape Stock						
290	Offline Dubs						
291	Digital Graphics						
292	Digital Rotoscoping						
293	Digital Compositing						
294	Online Edit Bay						
295	Online Stock						
296	Online Dubs						
297	Voice-Over / ADR						
298	Original Music Composition						
299	Music Clearance						
300	Music Library Fees						
301	Audio Sweetening						
302	Audio Stock						
303	Client Dubs						
304	Standards Conversion						
305	Satellite Transmission						
306	Stock Footage						
307	Hard Drive						
308							
309							
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323							
324							
325							
326							
327							
328							
329							
Markup 0.00% 0.00					SUB TOTAL		
Insurance 0.00% 0.00					FRINGE 1		
					FRINGE 2		
					BID TOTAL P		



Open gov.
*512-4786736

December 16, 2019

Mr. Jeff Elmore
Executive Producer
CharlieUniformTango
1722 Routh St
Ste 204
Dallas TX 75201

Via CM RRR #7015 0640 0004 5375 5824 and First Class Mail

Dear Mr. Elmore:

We have received a formal request to inspect or copy some of our files. A copy of the request for information is enclosed. The requested files include records received from you or from your company. The Office of the Attorney General is reviewing this matter, and they will issue a decision on whether Texas law requires us to release your records. Generally, the Public Information Act (the "Act") requires the release of requested information, but there are exceptions. As described below, you have the right to object to the release of your records by submitting written arguments to the attorney general that one or more exceptions apply to your records. You are not required to submit arguments to the attorney general, but if you decide not to submit arguments, the Office of the Attorney General will presume that you have no interest in withholding your records from disclosure. In other words, if you fail to take timely action, the attorney general will more than likely rule that your records must be released to the public. If you decide to submit arguments, you must do so not later than the tenth business day after the date you receive this notice.

If you submit arguments to the attorney general, you must:

- a) identify the legal exceptions that apply,
- b) identify the specific parts of each document that are covered by each exception, and
- c) explain why each exception applies.

Gov't Code § 552.305(d). A claim that an exception applies without further explanation will not suffice. Attorney General Opinion H-436 (1974). You may

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contact this office to review the information at issue in order to make your arguments. We will provide the attorney general with a copy of the request for information and a copy of the requested information, along with other material required by the Act. The attorney general is generally required to issue a decision within 45 business days.

Please send your written comments to the Office of the Attorney General at the following address:

Office of the Attorney General
Open Records Division
PO Box 12548
Austin TX 78711-2548

If you wish to submit your written comments electronically, you may only do so via the Office of the Attorney General's eFiling System. An administrative convenience charge will be assessed for use of the eFiling System. No other method of electronic submission is available. Please visit the attorney general's website at <http://www.texasattorneygeneral.gov> for more information.

In addition, you are required to provide the requestor with a copy of your communication to the Office of the Attorney General. Gov't Code § 552.305(e). You may redact the requestor's copy of your communication to the extent it contains the substance of the requested information. Gov't Code § 552.305(e).

Commonly Raised Exceptions

In order for a governmental body to withhold requested information, specific tests or factors for the applicability of a claimed exception must be met. Failure to meet these tests may result in the release of requested information. We have listed the most commonly claimed exceptions in the Government Code concerning proprietary information and the leading cases or decisions discussing them. This listing is not intended to limit any exceptions or statutes you may raise.

Section 552.101: Information Made Confidential by Law

Open Records Decision No. 652 (1997).

- Section 552.104: Confidentiality of Information Relating to Competition
- Boeing Co. v. Paxton, 466 S.W. 3d 831 (Tex. 2015).
- Section 552.110: Confidentiality of Trade Secrets and Commercial or Financial Information

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Trade Secrets:

In re Bass, 113 S.W.3d 735 (Tex. 2003).

Hyde Corp. v. Huffines, 314 S.W.2d 763, 776 (Tex.), cert. denied, 358 U.S. 898 (1958).

Open Records Decision No. 552 (1990).

Commercial or Financial Information:

Birnbaum v. Alliance of Am. Insurers, 994 S.W.2d 766 (Tex. App.—Austin 1999, pet. filed) (construing previous version of section 552.110), abrogated by In re Bass, 113 S.W.3d 735 (Tex. 2003).

Open Records Decision No. 639 (1996).

Open Records Decision No. 661 (1999).

~~Section 552.113: Confidentiality of Geological or Geophysical Information~~

~~Open Records Decision No. 627 (1994).~~

Section 552.131: Confidentiality of Certain Economic Development Negotiation Information

If you have questions about this notice or release of information under the Act, please refer to the Public Information Handbook published by the Office of the Attorney General, or contact the attorney general's Open Government Hotline at (512) 478-OPEN (6736) or toll-free at (877) 673-6839 (877-OPEN TEX). To access the Public Information Handbook or Attorney General Opinions, including those listed above, please visit the attorney general's website at <http://www.texasattorneygeneral.gov>.

Sincerely,



Paula Stewart
Public Information Coordinator

Enclosure: Copy of request for information

Mr. Jeff Elmore
December 16, 2019
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CC: Mr. Robert Montoya
Empower Texans
PO Box 700981
Dallas TX 75370
(w/o enclosure)

TRWD/RM
Tarrant

Open Records Division
Office of the Attorney General
PO Box 12548
Austin TX 78711-2548
(w/o enclosure)

Proposal - Keeping Texas Waterworks
- submitted to Richards Group
- BID Date 5/23/19

CHARLIEUNIFORMTANGO

December 19th, 2019

Open Records Division
Office of the Attorney General
PO Box 12548
Austin, TX 78711-2548

To the Office of the Attorney General:

Per Section 552.301e – charlieuniformtango received the letter informing us of the request from Robert Montoya on Wednesday, December 18th, 2019 from the Tarrant Regional Water District's public information coordinator Paula Stewart.

This letter is to confirm the date on which the letter was received.
The CM tracking number we were given was #70150640000453755824. Mr. Montoya was cc'd on that correspondence.

We will be submitting our objections to the release of our confidential bidding information in a separate letter.

Thank you,

Lola Lott
Principal/CEO
charlieuniformtango
1722 Routh St. #204
Dallas, TX 75201

CC
Mr. Robert Montoya
Empower Texans
PO Box 700981
Dallas, TX 75230

Ms. Paula Stewart
Tarrant Regional Water District
800 East Northside Drive
Fort Worth, TX 76102-1016