



COUNTY ATTORNEY

Fort Bend County, Texas

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August 30, 2021

Honorable Ken Paxton
Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Via CMRR #70183090000218605402

RE: Public Information Act Request

From: Madhu Sekharan, Attorney At Law

From: Donna Grimm, AM LLC

To: Fort Bend County Commissioner's Court

Re: Release of records not subject to public disclosure under §552.110 and §552.305 of the Texas Government Code.

Dear Attorney General Paxton:

Enclosed please find the following documents:

1. **Exhibit A:** A copy of the request for public information received from Madhu Sekharan on August 9, 2021; and
2. **Exhibit B:** A copy of the request for public information from Donna Grimm on August 11, 2021; and
3. **Exhibit C:** A flash drive containing the copies of the bidding records/vendor proposals not being released to the Requestors at this time.

Please be advised that the Fort Bend County received the following 2 Public Information Requests concerning Fort Bend County RFP #21-077 – Community Vaccine Outreach.

REQUEST NO. 1 FROM MADHU SEKHARAN:

The Fort Bend County Commissioner's Court received the enclosed request for public information on August 9, 2021, from Madhu Sekharan, Attorney At Law, for copies of the following documents concerning Fort Bend County RFP#21-077: Community Vaccine Outreach:

1. Communications between Ft. Bend County government, including the Ft. Bend County Commissioners Court and the entity, "Next Wave Strategies".
2. Records as to how "Next Wave Strategies" was chosen to implement a COVID 19 vaccine outreach program in an effort to increase Ft. Bend County vaccination rates.
3. Bidding records as to how "Next Wave Strategies" bid for the contract to implement a COVID19 vaccine outreach program, in an effort to increase Ft. Bend County vaccination rates.
4. Bidding records for other entities besides "Next Wave Strategies" who also submitted bids for the COVID19 vaccine outreach program.
5. Records as to how much money has been spent to date for the COVID19 vaccine outreach program by "Next Wave Strategies" and Ft. Bend County in total.

Please advised that the records in response to Sekharan's Requests #1 and 2 have been released. The bid proposal for Request #3 was marked by the vendor as confidential and is being enclosed for review. In response to Request #4, the 5 bidding proposals that are marked as confidential are enclosed for review by your office, the other 7 proposals have been released. There were no records responsive to Request No. 5 as of the date of the request.

Please note that on August 19, 2021, our office requested from your office an additional 5 days to respond to this request.

REQUEST NO. 2 FROM DONNA GRIMM:

Fort Bend County received a request from Donna Grimm, of AM LLC, on August 11, 2021, requesting copies of the proposals submitted in response to RFP #21-077 – Community Vaccine Outreach for Fort Bend County, along with the evaluator's scoresheets.

Please note that the evaluator's scoresheets and the 7 non-confidential proposals have been released to this requestor, the other 5 proposals are enclosed for your review.

Please note that on August 25, 2021, our office requested from your office an additional 5 days to respond to this request.

It is the opinion of this office that Section 552.110 of the Government Code applies to the enclosed documents.

Section 552.110 protects the proprietary interests of private parties by excepting from disclosure (1) a “trade secret obtained from a person and privileged or confidential by statute or judicial decision,” and (2) “commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained. Gov’t Code §552.110(a)-(b).

An interested third party is allowed ten (10) business days after date of its receipt of the governmental body’s notice to submit its reasons under Section 552.305 of the Government Code, if any, as to why information relating to that party should be withheld from public disclosure. Section 552.305 encompasses information that may involve a company’s privacy or property interests. According to §552.305 of the Government Code, a governmental entity may rely on an interested third party to raise and explain applicability of an exception to disclosure in certain circumstances.

Please be advised that Fort Bend County does not take a position as to the proprietary nature of the enclosed information, nor as to the application of the “trade secrets” component of section 552.110. However, our office is notifying the following companies, which have been identified as a potential interested third parties, of the request and of their opportunity to submit comments to the Office of the Attorney General as to why the requested information should not be released to the requestor(s):

- Elevate Strategies LLC;
- Gilbreath Communications, Inc.;
- MMI Agency, LLC;
- Next Wave Strategies, LLC; and
- Versa Creative

As you will see from your review of the enclosed documents, these documents may contain information that is marked as confidential under §552.110 of the Government Code. Therefore, the information attached in Exhibit C is not being provided at this time, subject to the submission of comments by any interested third party and review by your office.

Your assistance is respectfully and timely requested in determining whether the enclosed records are excepted from disclosure. By copy of this letter, the Requestors and listed interested third parties are hereby notified of Fort Bend County’s intention to withhold these records from disclosure.

Thank you in advance for your assistance with this matter. Please do not hesitate to contact me if you have any questions regarding this matter. I can be reached at (281) 341-4555 or via e-mail: LaNetra.Lary@fortbendcountytexas.gov.

Very truly yours,

BRIDGETTE SMITH-LAWSON
FORT BEND COUNTY ATTORNEY



By:
LaNetra S. Lary,
Assistant County Attorney

Enclosures

cc: Fort Bend County Purchasing Office (w/o enclosures)
Records Supervisor

Requestor No. 1:

Madhu Sekharan
Attorney At Law
16614 Radiant Lilac Trail
Cypress, Texas 77433
Via Email: MSekharanAttorney@outlook.com

Requestor No. 2:

Donna Grimm
AM LLC
Director of Bid and Capture
4201 Wilson Blvd., #110-365
Arlington, VA 22203
Via Email: d.grimm@amllc.co

Interested Third Parties:

1. Felicity Pereyra, Elevate Strategies LLC
216 Marshall St., #11
Houston, Texas 77006
Via Email: felicity@elevatestrategiesllc.com
2. Robyn Wright-Harris
Director of Marketing and Communications
Gilbreath Communications, Inc.
15995 N. Barkers Landing, Suite 100
Houston, Texas 77079
Via Email: robyn@gilbcomm.com
3. Caitlin Jeansonne
MMI Agency
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Houston, Texas 77003
Via Email: Caitlin.jeansonne@mmiagency.com

4. Shekira Dennis
Managing Director
Next Wave Strategies, LLC.
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Via Email: shekira@next-wave.com

5. Eddie Shekari
Founder and CEO
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Via Email: eshakari@versacreative.com