

Looten, Kathy

From: Looten, Kathy
Sent: Monday, January 11, 2016 4:08 PM
To: 'kkampschroeder@navitas.us.com'
Subject: RE: Energy Conservation Services Bid S16B-0015
Attachments: Kampschroeder-ECS Bid SS Request - 01.11.16.pdf

Importance: High

Mr. Kampschroeder,

Attached please find the response to your 1/6 Sunshine Law Request.

Thank you,

*Kathy L. Looten
Executive Office Liaison/Records Custodian
Office of the Superintendent
Springfield Public Schools
1359 E. St. Louis Street
Springfield, MO 65802
417-523-0026*

From: Carol Embree <clembree@spsmail.org>
Date: Wednesday, January 6, 2016 at 6:37 PM
To: "kkampschroeder@navitas.us.com" <kkampschroeder@navitas.us.com>
Cc: Dave Pelletier <dpelletier@spsmail.org>
Subject: Re: Energy Conservation Services Bid S16B-0015

Dear Mr. Kampschroeder,

Mr. Pelletier would be happy to assist you with the request, but because you have indicated you are requesting this information under the Missouri Sunshine provision, the specifics of how that information will be shared must follow the process of engaging through the district's official keeper of records, Ms. Kathy Looten who also serves as the Board of Education Secretary. Through this email, I am forwarding your request to Ms. Looten. She will advise you of the timeline and also any fees to be assessed in gathering the data in accordance with the provision.

Sincerely,

Carol Embree, SFO
Chief Finance & Operations Officer
School District of Springfield, R-12
Kraft Administration Center
1359 E. St. Louis Street
Springfield, MO 65802
Cell: 417-569-4302
Fax: 417-895-2007

Begin forwarded message:

From: Koby Kampschroeder <kkampschroeder@navitas.us.com>

Date: January 6, 2016 at 4:25:19 PM CST

To: "Pelletier, David" <dpelletier@spsmail.org>

Subject: Energy Conservation Services Bid S16B-0015

David,

I saw in your board docs today that the district approved Cenergistics for the Energy Conservation Services yesterday at the board meeting last night. Now that the selection process is over, I would like to ask for your help to reflect on our effort and determine if there are ways we can improve upon our offering and the services we provide as it relates to what SPS was looking for. Under sunshine provisions, I would like to request a copy of all bid responses, presentations, committee notes and final score cards. I think this will be beneficial for us in our reflection and help us to see where we can improve for the future.

We appreciated the opportunity to respond and while we are disappointed we were not selected, we commend the district on its pursuit to become more energy efficient. Good luck and if we can ever be of help to you in the future, don't hesitate to contact us.

Thanks,

Koby Kampschroeder

25501 west valley parkway

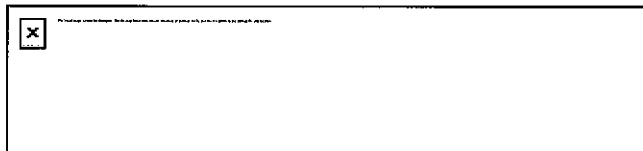
olathe, ks 66061

cell: 913.609.4684

office: 913 344.0030

fax: 913 345.0617

kkampschroeder@navitas.us.com



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Helping today's kids fill tomorrow's promise.

John E. Jungmann, Ed.D.
Superintendent

January 11, 2016

Mr. Koby Kampschroeder
kkampschroeder@navitas.us.com
25501 West Valley Parkway
Olathe, KS 66061

Dear Mr. Kampschroeder:

This letter will respond to your email dated January 6, 2016. Your email requests certain public records pursuant to the Missouri Sunshine Statute. More specifically, your letter requests the following:

“Related to Energy Conservation Services Bid S16B-0015.... a copy of all bid responses, presentations, committee notes and final score cards.”

Initially, in order to be subject to disclosure under the Missouri Sunshine Law, documents must constitute “public records” of the “public governmental body.” In this case, the “public governmental body” is the Board of Education for the School District of Springfield, R-12. The term “public records” is defined in Section 610.010(6) RSMo. as follows:

(6) “Public record” -- *any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds; including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. The term “public record” shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting.*”

Thus, the term “public record” includes only those records, either written or electronic, that are already in existence that the public governmental body is “holding” or “retaining” in its possession. *Jones v Jackson County Circuit Court*, 162 S.W.3d 53, 59 (Mo App 2005).

The District will not provide you with public documents which may be encompassed by your request that are closed records. Included in these closed public documents are the following:

- The minutes of closed meetings of the Board of Education which were closed pursuant to Section 610.021 RSMo, and not otherwise required to be revealed;
- Privileged communications between the Board of Education or its representatives and its attorneys pursuant to Section 610.021(1) RSMo;
- Records involving the hiring, firing, disciplining or promoting of particular employees by the Board of Education when personal information about the employee is discussed or recorded, except those public records which have been made public pursuant to Section 610.021(3) RSMo;
- Records involving software codes for electronic data processing and documentation thereof pursuant to Section 610.021(10) RSMo;
- Documents related to a negotiated contract until a contract is executed, pursuant to Section 610.021(12) RSMo;
- Documents which constitute individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, pursuant to Section 610.021(13) RSMo;
- Records which are protected from disclosure by law pursuant to Section 610.021(14) RSMo;
- Confidential or privileged communications between a public governmental body and its auditors, including all auditor work product pursuant to Section 610.021(17) RSMo;
- Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of the District pursuant to Section 610.021(20) RSMo;
- Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the Board of Education and a person or entity doing business with the Board pursuant to Section 610.021(21) RSMo.

With this explanation in mind, the Board responds as follows to your request:

The District is in the process of reviewing your request. You can expect a response within the next seven to ten business days.

Thank you for your request.

Sincerely,

Kathy L. Looten

Kathy L. Looten
Executive Office Liaison/Records Custodian

cc: Ransom Ellis, III