



January 27, 2016

Mr. David Pelletier
Coordinator
Springfield R-12 School District
1458 E. Chestnut Expressway
Springfield, MO 65802

Dear Mr. Pelletier,

Under the Missouri Sunshine Law, Chapter 610, I would like to request that a copy of the following documents to be provided to me:

- A complete copy of the proposal response submitted by Navitas, LLC to the Springfield R-12 School District's Request for Proposal No. S16B-0015 dated October 15, 2015, "RFP for Energy Conservation Services" submitted November 12, 2015.
- A complete copy of the proposal response submitted by Cenergistic to the Springfield R-12 School District's Request for Proposal No. S16B-0015 dated October 15, 2015, "RFP for Energy Conservation Services" submitted November 12, 2015.
- A complete copy of the scoring sheets (including any such documentation collected during the oral interview) providing ranking of each responder utilized for the final decision process.

I understand that the Act permits a public body to charge a reasonable copying fee. I am willing to pay fees for this request up to a maximum of \$100. If you estimate that the fees will exceed this limit, please inform me first. Electronic copies of the requested documents would be preferred and may be e-mailed to me directly at cookj@conedsolutions.com.

Disclosure of the requested documentation received from the proposal response is intended for private, informational purposes only.

I can be contacted via telephone at (913) 307-3226 during the hours of 9:00 am to 5:00 pm CST, if necessary, to discuss any aspect of my request.

I have included a return FedEx envelope for your use. Please include a copy of the invoiced amount and I will ensure prompt payment.

Thank you for your consideration in this request.

Sincerely,

Jennifer M. Cook
cookj@conedsolutions.com



Helping today's kids fill tomorrow's promise.

John E. Jungmann, Ed.D.
Superintendent

February 4, 2016

Ms. Jennifer Cook
conEdison Solutions
9217 Cody Street
Overland Park, KS 66214

Dear Ms. Cook:

This letter will respond to your letter dated January 27, 2016, which was received by me on February 1, 2016. Your letter indicates that it was sent pursuant to the Missouri Sunshine Statute and requests the following:

“A complete copy of the proposal response submitted by Navitas, LLC to the Springfield R-12 School District’s Request for Proposal No. S16B-0015 dated October 15, 2015, “RFP for Energy Conservation Services” submitted November 12, 2015.

A complete copy of the proposal response submitted by Cenergistic to the Springfield R-12 School District’s Request for Proposal No. S16B-0015 dated October 15, 2015, “RFP for Energy Conservation Services” submitted November 12, 2015.

A complete copy of the scoring sheets (including any such documentation collected during the oral interview) providing ranking of each responder utilized for the final decision process.”

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 will provide the proposal responses for Navitas, LLC and Cenergistic and the final score cards as requested.

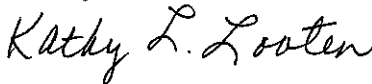
Retrieval, Processing and Copying Fees

In matters such as these, the District charges the reasonable fees allowed by the Missouri Sunshine Statute, Section 610.026 RSMo. Duplication fees include a per copy cost, not to exceed ten cents per regular sized page and an hourly fee for the time spent duplicating the documents. Retrieval and processing fees are based on the average hourly rate of pay for the staff involved in the retrieval and processing process.

The cost for the retrieval and processing of the public records you have requested is thirty-one dollars and sixty cents (\$31.60). We will provide you with the requested records upon receipt of a check in the amount listed above.

Thank you for your request.

Sincerely,



Kathy L. Looten
Executive Office Liaison/Records Custodian

cc: Ransom Ellis, III