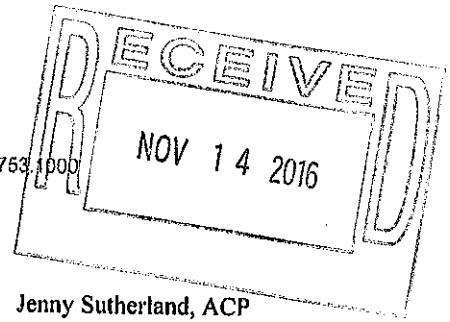




900 W. 48th Place, Suite 900, Kansas City, MO 64112-1895 • 816.753.1900



November 10, 2016

Jenny Sutherland, ACP  
(816) 360-4134  
jsutherland@polsinelli.com

The School District of Springfield R-12  
Purchasing Department  
Attn: David Pelletier  
1458 East Chestnut Expressway  
Springfield, Missouri 65802

**Re: Missouri Sunshine Law Request related to RFP S16B-0024, Facilities Master Plan**

Dear Mr. Pelletier:

This is a request for records under the Missouri Sunshine Law, Chapter 610, Revised Statutes of Missouri. I request that you make available to me the following records related to RFP S16B-0024, Facilities Master Plan:

- Digital copies of the Qualification packets that were submitted
- Scoring summary/sheets if a scoring system was utilized

I request that the records responsive to my request be copied and sent to me at the following address:

Polsinelli, PC  
Attn: Jenny Sutherland  
900 W 48<sup>th</sup> Place, Suite 900  
Kansas City, Missouri 64112

Please let me know the total search or copying fees associated with this request in advance.

If portions of the requested records are closed, please segregate the closed portions and provide me with the rest of the records.

Respectfully Submitted,

Jenny Sutherland, ACP  
Paralegal

JDS:jds

polsh006560/452152

Atlanta Chicago Dallas Denver Kansas City Los Angeles Nashville New York Phoenix St. Louis San Francisco Washington, D.C. Wilmington  
Polsinelli PC, Polsinelli LLP in California

55235369.1



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November 17, 2016

Ms. Jenny Sutherland, ACP  
Polsinelli, PC  
900 West 48<sup>th</sup> Place, Suite 900  
Kansas City, MO 64112-1895

Dear Ms. Sutherland:

This letter will respond to your letter dated November 10, 2016, and was received in my office on November 14, 2016. Your letter requests certain public records pursuant to the Missouri Sunshine Statute. More specifically, your letter requests the following:

- “...records related to RFP S16B-1124, Facilities Master Plan
- Digital copies of Qualification packets that were submitted
- Scoring summary/sheets if a scoring system was utilized”

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 records you have requested will be provided.

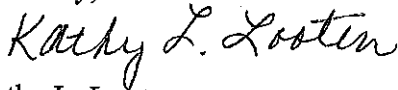
**Retrieval, Processing and Copying Fees**

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 fifty dollars (\$50.00). We will provide you with the requested records upon receipt of a check in that amount.

Thank you for your request.

Sincerely,

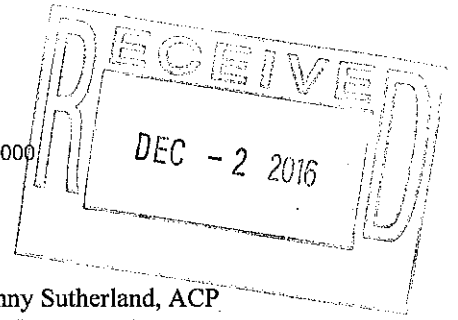


Kathy L. Looten  
Executive Office Liaison/Records Custodian

cc: Ransom Ellis, III



900 W. 48th Place, Suite 900, Kansas City, MO 64112-1895 • 816.753.1000



November 30, 2016

Jenny Sutherland, ACP  
(816) 360-4134  
jsutherland@polsinelli.com

Springfield R-12 Board of Education  
Attn: Kathy L. Looten, Records Custodian  
1259 East Saint Louis Street  
Springfield, Missouri 65802

**Re: Missouri Sunshine Law Request related to RFP S16B-0024,  
Facilities Master Plan**

Dear Ms. Looten:

Enclosed is a check in the amount of \$50 payable to Board of Education – Springfield R-12 in regards to the requested documents. Please mail the documents to my attention.

Thank you for your assistance in this matter.

Respectfully Submitted,

Jenny Sutherland, ACP  
Paralegal

JDS:jds  
066560 / 452152

# MEMORANDUM

Springfield Public Schools

December 2, 2016

TO: Jenny Sutherland, ACP  
Polsinelli

FROM: Kathy Looten, Records Custodian

SUBJECT: 11/10/16 Sunshine Law Request

Attached please find a thumb drive with copies of the documents you requested.

Thank you.

Attachment