

13. I want copies of the bid specifications or bids EWG received in response to an invitation for sealed bids (IFB). How do I obtain those records?

EWG's current bid specifications can be accessed on EWG's website at www.ewgateway.org. In accordance with the Sunshine Act, bids EWG receives in response to an IFB are not open records until after the bid opening. If the bid opening has not occurred, the records are closed and you will not be granted access to the bids. If the bid opening has occurred, then you need to submit an open records request to obtain the bids.

14. I want copies of the specifications or proposals EWG received in response to request for proposals/qualifications (RFP/RFQ). How do I obtain those records?

EWG's current RFP/RFQ specifications can be accessed on EWG's website at www.ewgateway.org. In accordance with the Sunshine Act, responses that EWG receives for an RFP/RFQ are not open records until after EWG has entered into a contract with a consultant or EWG has rejected all submittals. If EWG has not yet entered into a contract with a consultant or rejected all submittals, the records are closed and you will not be granted access to the proposals. If the Council has entered into a consultant contract or rejected all submittals, then you need to submit an open records request to obtain the proposals.

15. I requested that EWG compile information into a report, data table, or other document, but EWG denied my request. Doesn't EWG have to produce the records in the format in which I requested it?

To the extent possible, EWG will provide open records in the format requested; however, EWG is not required to create records that do

not exist. If you requested that EWG compile information into a new record like a report, data table, or other document that does not presently exist, EWG is not required to comply with this request and EWG will not create the record for you.

16. I received EWG's response to my open records request and it indicates that the records won't be provided within three days. Doesn't EWG only have three days to provide me the records I requested?

No. The Sunshine Act requires that EWG act upon your request within three business days of receiving the request. EWG will comply with the Sunshine Act's requirement and will act upon your request within three business days of receipt; however, this action may not be to provide you the records. There are several factors that will affect EWG's ability to produce the records you requested within three business days, including but not limited to:

- You requested a large number of documents.
- You requested old documents or documents that are kept in storage or off-site.
- Your request is too broad or too vague and requires EWG to follow-up with you in order to determine what records you are seeking.

In many cases, it takes time for EWG to locate and produce the records that you have requested. If EWG cannot produce the records within three business days, EWG will notify you within the three-day window that it will not be able to provide the records within three business days and will notify you of the estimated date when the records can be made available.

Also, the three-day window does not include weekend days or holidays when EWG's office is closed, so if you submitted your request after hours, on a Friday, or prior to a holiday, then EWG's response time will not be within three calendar days.

17. Does EWG have to respond to a request I submitted under the federal Freedom of Information Act?

The federal Freedom of Information Act (FOIA) does not apply to EWG; however, in general, EWG will treat FOIA requests as if they are Missouri Sunshine Act requests and respond accordingly. If your FOIA request does not meet the requirements of an open records request under the Sunshine Act, then EWG may not be required to respond to your request or EWG's production of the records may be delayed.



EAST-WEST GATEWAY
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Creating Solutions Across Jurisdictional Boundaries

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East-West Gateway Council of Governments FAQs – Sunshine Act Procedures

East-West Gateway Council of Governments (EWG) is providing these frequently asked questions (FAQs) to provide answers to common questions about submitting an open records request using EWG's Sunshine Act Procedures. If you do not find the answer to your question in this document, you can submit your question to:

sunshine@ewgateway.org
Subject: Question about Procedures

1. Who do I send my open records request to?

All open records requests, whether in writing or otherwise, need to be submitted to the custodian of records. EWG's custodian of records is:

Director of Administration
East-West Gateway Council of Governments
1 S. Memorial Drive, Suite 1600
St. Louis, MO 63102

Phone: (314) 421-4220 (MO) / (618) 274-2750 (IL)
Fax: (314) 231-6120
Email: sunshine@ewgateway.org

2. I sent my request to the project manager or other EWG staff, why haven't I received a response?

EWG will not respond to open records requests that are submitted to any EWG staff person other than the designated custodian of records. You need to submit your request to the custodian of records.

3. Does my request have to be in writing?

Your request does not have to be in writing; however, in order for EWG to keep track of your request and fully respond to it, EWG prefers that all open records requests be submitted in writing.

4. What information do I need to include in my request?

Your request should include sufficient detail for the custodian of records to identify and locate the records you are seeking. The request should also specify the format in which you would like to receive the records (i.e. printed copies, electronic format, etc.).

5. Can I receive the records in electronic format rather than printed copies?

Yes. If you prefer to receive the records in electronic format, you should indicate that in your request.

6. I just want to view the records and do not want copies, how do I get access to view records?

You need to submit an open records request to EWG's custodian of records and the request needs to indicate that you would like to view the records and do not want copies. EWG will contact you to make arrangements for you to view the open portion of the records.

7. Will EWG charge me for providing access to or furnishing copies of records?

Yes. EWG may charge you fees for providing access to or furnishing copies of the records. EWG's fees will be charged in accordance with the provisions of the Sunshine Act. You can review Section 610.026 of the Missouri Sunshine Act online.

8. How did EWG calculate the estimated fees?

EWG assesses fees based on the type of charges and amounts permitted by the Sunshine Act. The fees are based on the records that you have requested and the format that you requested for the records. As an example, if you requested printed copies, EWG will assess a fee based on the number of pages associated with the request, clerical staff time associated with making the copies, etc. If EWG assesses fees, we will provide you a breakdown of the fees.

9. Do I have to pay the fees before I receive the records?

Yes. You will need to pay the fees associated with your request before EWG will provide you access to the records. EWG's response to your request will notify you of the estimated fees and EWG staff will provide instructions for how you can pay the fees.

10. How do I get the fees waived or reduced for EWG providing me access to or furnishing me copies of records?

You may request that EWG waive or reduce the fees associated with your open records request. EWG will review your request and make

a determination about whether or not to waive or reduce the fees. EWG's decision will be made on a case-by-case basis and, in accordance with the Sunshine Act, will be based on EWG's determination that a waiver or reduction of the fees is in the public interest because it is likely to contribute significantly to public understanding of EWG's operations or activities and is not primarily in your commercial interest.

11. Why are the fees EWG put in its response to my request different than the final bill I received from EWG?

The fees EWG described in its response to your request were an estimate based on the information available at the time you made your request. It is possible that the costs associated with your request were less or more than originally estimated and you will be responsible for paying the final costs. If you paid the estimated fees and the final costs were higher than estimated, you will be required to pay the difference prior to obtaining the records. If you paid the estimated fees and the final costs were lower than estimated, then EWG will refund the difference to you.

12. I just need Board meeting minutes or similar documents, do I have to submit an official open records request?

In most cases, meeting minutes and other similar materials are available to you via EWG's website at www.ewgateway.org. If you can find the records you are looking for on our website, then you don't need to submit an open records request. You can just download the documents from our website. If the records are not available on our website, then you will need to submit an open records request in order to obtain the records.