From:	Andrea Barnes
Sent:	Friday, May 6, 2022 2:29 PM
To:	Olivia Roston
Subject:	FW: Dispute of Invoices

FYI

From: Chris McKinniss <CMcKinniss@esconsult.net>
Sent: Friday, May 6, 2022 2:26 PM
To: Jason McBride <jason.mcbride@galionhealth.org>
Cc: Kim Lehman <KLehman@esconsult.net>; Dennis Fox <Dfox@esconsult.net>; Matthew Abrams <MAbrams@esconsult.net>; Melinda Fox <MFox@esconsult.net>; Andrea Barnes <andrea.barnes@galionhealth.org>
Subject: RE: Dispute of Invoices

Hi Jason,

Congratulations for being named the new Health Commissioner for the Galion City Health Department.

I wanted to give you some time to settle-in before following up Andrea's email.

We would welcome the opportunity to meet with you and get to know your processes and expectations. We could review the Dept's current agreement with ES Consulting as well as to discuss all the information outlined in my April 11th and April 22nd emails. On Monday, I will review the current billing statement for the Galion City Health Department and send it to you. That should give everyone a clearer picture of where the Dept's current account stands.

The following information is nearing the TL;DR range, but I still think it is important information to share it anyone who is new to working with the ES Consulting. It can provides an overview of the IT services landscape and where we fit into that landscape.

> There are primarily **four different types of IT vendors in the marketplace.** I mention this because it is important to identify which type of IT vendor(s) you are talking with and which type you want to work. Each type operates under different business models and has different priorities.
>
> The first three are primarily sales organizations, focused on stocking inventory; positioning software products; or developing/marketing software solutions. Their mission is to attract buyers. The IT vendors that operate under this set of priorities models are known as VARs, ITSPs, and ISVs.
> - The "VAR" (Value Added Reseller) – their goal is to sell product and add value they can
> - The "ITSP" (IT Solution Provider) – they design a single solution and sell that solution (often this is industry specific)…this could be a software or system solution
> - The "ISV" (Independent Software Vendor) – they develop and sell software
>
> **The fourth type is known as an MSP (Managed Services Provider).** Some vendors in the previous three categories will try to tout themselves as MSPs, but they are not true MSPs.

The true Managed Services Provider is a professional organization. It works on behalf of its clients to assure that industry standards and best practices are implemented. True MSPs are not product-focused, sales organizations. Only products/services that meet industry standards, best practices, and client needs will be implemented. With constant evaluation, as soon as a solution lags, it is replaced.

ES Consulting, as a true MSP, works to become part of the client's team, fully supporting their goals, missions, and strategies. For clients without IT talent on staff, we become their IT Department **handling Security, Network Operations, Business Continuity, User Support, Hardware/Software Evaluation, as well as Management and Business Engagement.** For clients with IT talent on staff, we offer our team, products, and services as resources. Giving them access to tools they may not be able to justify due to the minimum end-point and enterprise-level price points required by the software developers.

Our core clients are characterized by a high commitment to their mission and goals. Within that commitment, they know the value of a true MSP. No matter their size, they understand that **a true MSP provides both tangible and intangible advantages for their operations.** They know that the true MSP does "IT the way IT should be." It contributes to their profitability and productivity. It inspires their corporate culture and relationships. It gives them competitive advantages. **ES Consulting is "IT the way IT should be."**

If nothing else, I hope this underscores our team's preparation and commitment for supporting the mission of Galion City Health Department. We are eager to discover your processes and expectations so that you find us to be your partner and not just another vendor.

Regards,

Chris McKinniss
Business Development
cmckinniss@esconsult.net
Cell: 419.544.7991 | Sales: 419.756.1869
www.esconsult.net

ES|Consulting, Inc, 3849 Park Ave W, Ontario, OH 44903

From: Andrea Barnes <andrea.barnes@galionhealth.org>
Sent: Tuesday, April 26, 2022 2:36 PM
To: Chris McKinniss <CMcKinniss@esconsult.net>
Cc: Kim Lehman <KLehman@esconsult.net>; Dennis Fox <Dfox@esconsult.net>; Matthew Abrams

<MAbrams@esconsult.net>; Melinda Fox <MFox@esconsult.net>
Subject: RE: Dispute of Invoices

Jason.mcbride@galionhealth.org is the new health commissioner. I have forwarded this to him.

From: Chris McKinniss <CMcKinniss@esconsult.net>
Sent: Friday, April 22, 2022 3:31 PM
To: Andrea Barnes <andrea.barnes@galionhealth.org>
Cc: Kim Lehman <KLehman@esconsult.net>; Dennis Fox <Dfox@esconsult.net>; Matthew Abrams
<MAbrams@esconsult.net>; Melinda Fox <MFox@esconsult.net>
Subject: RE: Dispute of Invoices

Hi Andrea,

Sorry it has taken me so long to get back to you. I need to catch the IT Consultants involved in the project to get more information from them. That took time. Their availability is limited.

In response to your thoughts in the previous email…

Your Monthly Program is currently all the items below, indicated by the blue font color:

SUPPORT PROGRAMS MATRIX
NetworkGuardian Packages

		Lite	Lite Hybrid	Standard	Professional
Business IT Management	Hourly Rate – for projects and changes	$150.00	$150.00	$135.00	$125.00
	24x7 Systems Monitoring	X	X	X	X
	Microsoft Product Updates	X	X	X	X
	Business Reviews	X	X	X	X
	ES Connect Remote Tool	X	X	X	X
	Network Highly Documented	X	X	X	X
	After Hours On-Call Available[3]	X	X	X	X
	8-5 Tier 3 Priority Help Desk Support	X	X	X	X
	3rd Party Software Updates	X	X	X	X
	Office 365 License Management[5]	X	X	X	X
	Documentation Portal		X	X	X
	Network Mapping and Inventory			X	X
	Network Devices Config Backups			X	X
	Vendor Management			X	X
	On-site support			X	X
	Minor Projects[4]			< 3 hours	< 4 hours
	Productivity Monitor				X
Business Continuity	Image Level Backup	Advanced	Advanced	Advanced	Advanced
	Physical Back-up Device (BDR) License	X	X	X	X
	Automated Backup Verification	X	X	X	X
	Local 1 Hour Imaging	X	X	X	X
	Offsite Daily Sync	X	X	X	X
	Worry Free Chainless Backup	X	X	X	X
	Encrypted & Cross Platform Backup	X	X	X	X
	Basic Restores	X	X	X	X
	Manual Back-up Verification	X	X	X	X
	Disaster Recovery Plan[2]	Basic	Basic	Basic	Custom
	Business Continuity & Virtualization	X	X	X	X
	Offsite ESI Testing[2]				X
Enterprise Security	SPAM and Malware Mail Filter	X	X	X	Proactive
	Next Generation Virus Protection	X	X	X	Proactive
	Firewall as a Service[6]	X	X	X	X
	Dark Web Monitoring	X	X	X	X
	File Integrity Monitoring		X	X	X
	Malicious Internal Access Detection		X	X	X
	Automated Malicious Script Prevention		X	X	X
	Security Awareness Training		X	X	X
	Machine Learning Algorithms		X	X	X
	Anomaly Detection			X	X
	Emerging Threats Protection			X	X
	Phishing Campaign's			X	X
	DNS Protection			X	X
	24/7/365 Security Operations Center			X	X
	Managed Detection & Response			X	X
	Employee Usage Monitor				X
	Compliancy Reporting Assistance Tools				X

Regarding remote support, you are correct that remote support is included. There are two particular situations where remote support would not be part of the agreement:

1. **After-Hours Services -** Because we do not want you to pay for something you may not use after-hours services are not included in NetworkGuardian. We are however available 24/7/365 for after-hours support at a nominal fee.

2. **Add/Move/Change Projects –** Similar to after-hours, we do not want you to pay for a server project you may not do every year. For this reason, projects are deemed as any add/move/change that results in more than the allocated Project time for your NetworkGuardian package. (Examples of Add/Move/Change Projects: PC replacements, **server** replacements, adding devices to the network, etc.)

Your regarding your last question(s)…

- Another issue that we have is that so many of our problems where we needed support and assistance in 2021 were because of the fact that the migration of the server was never finished.
    - You are, of course, correct that the project went longer than any of us originally anticipated. I hope we can all agree that a great deal of time was lost and the project slowed due to critical communication lost with the departure of Trish and the issues arising from HDIS. We are thankful, as we are sure that you are, that the project did get finished. Your system should be much improved from what it was prior to the project.
    - Just like restoring and remodeling an old house, we can anticipate most of what we are going to run into. If we included everything in our quotes that are simply within the realm of possibly, our quotes would be so high that no one would want to do business with us. Just as we don't high ball our estimates, we also don't low ball our estimates. We quote based on our experience with various types of projects, their standards and norms. Your project, had a lot of unknowns going into it. We communicated this to Trish; that is, that we knew there would be unknowns that we could not accurately or fairly quote. We rarely if ever quote a hard, not to exceed, labor rate. Server migration projects are complex at best and rarely straight forward.
    - It was the networking pieces that were causing issues. We estimate that 80% of the time billed most recently was in response to fixing things on the City of Galion side that broke as a result of the migration. These are factors that cannot be prevented. Many of those same issues were the driving force behind the Health Dept migrating to their own server.
    - The City's current server and software are way out of date; versions upon versions behind. This created a lot of issues. The migration has prevented issues that would have cost the Health Dept more money than it is currently being invoiced for.
- Nearly every time we called for assistance, the tech would say I am not sure why this migration is not done?
    - I have to apologize for this level of communication. It is true that not every IT Consultant, IT Support Rep is going to be intimately involved or knowledgeable of every project we have going at any given time. I am sure they we just considering their approach as trying to be as transparent as possible. But they don't realize that may be a slight miscommunication or representation of the reality. There are always at least 2, if not 3 or 4, members of the team that no where all the moving parts of any project at any given time.
- So, we do feel as though we are being charged for those issues which were directly related to something that we paid for in 2020 to be completed?
    - Having reviewed the 43 hours that are currently being invoiced, I can assure you that you are not being charge for hours that you already paid for. There was, as I mentioned above, a great deal of time added to this project because of unanticipated issues. Issues unique to the City of Galion.
    - This project took a little over double the normally anticipated time and we are only seeking to recoup 43 hours of that time.
    - As I pointed out in my previous email, in the first 19 months of the agreement, the Health Dept was using nearly triple the normal hours expected.

We don't want to seem unappreciative of your budget situation. At the same time, we can't ignore the time and resources allocated to this project and our efforts to improve the Health Dept's IT operation in support of its overall mission and work.

We would be happy to work with you on payment terms. If that would help, please let me know.

Chris McKinniss
Business Development
cmckinniss@esconsult.net
Cell: 419.544.7991 | Sales: 419.756.1869
www.esconsult.net

ES|CONSULTING
TECHNOLOGY SOLUTIONS PROVIDER

ES|Consulting, Inc, 3849 Park Ave W, Ontario, OH 44903

From: Andrea Barnes <andrea.barnes@galionhealth.org>
Sent: Monday, April 18, 2022 9:04 AM
To: Chris McKinniss <CMcKinniss@esconsult.net>
Subject: RE: Dispute of Invoices

Chris,

I know one question that we do have is about remote support. We pay $900 a month. I have always understood that onsite support was $150/hour, but we were unaware that we are charged $150/hour for remote support. What exactly does the $900/month cover? Another issue that we have is that so many of our problems where we needed support and assistance in 2021 were because of the fact that the migration of the server was never finished. Nearly every time we called for assistance, the tech would say I am not sure why this migration is not done? So, we do feel as though we are being charged for those issues which were directly related to something that we paid for in 2020 to be completed?

We are not your typical business with excess revenue, and we need to plan for our expenses. Is there anyway that you can meet us halfway on this bill? These charges were not expected.

Andrea Barnes, REHS
Deputy Director
Director of Environmental Health
Galion City Health Department
113 Harding Way East
Galion, Ohio 44833
Phone: 419-468-1075 ext. 1265 | Fax 419-468-8618
andrea.barnes@galionhealth.org

From: Chris McKinniss <CMcKinniss@esconsult.net>
Sent: Monday, April 11, 2022 5:25 PM
To: Andrea Barnes <andrea.barnes@galionhealth.org>
Cc: Dennis Fox <Dfox@esconsult.net>; Matthew Abrams <MAbrams@esconsult.net>; Melinda Fox <MFox@esconsult.net>; Kim Lehman <KLehman@esconsult.net>
Subject: Dispute of Invoices

Hi Andrea,

I was asked to review your concerns regarding invoice number ESI51635 as well as the subsequent invoices, which are: ESI52600, ESI55643, ESI55929, ESI57084, ESI56694, and ESI57227. It is my understanding (please correct me if I am not on the right track), that there is a concern that the Health dept paid for time that was not used and/or is being billed for time that it already paid for. I hope that is the correct directive as that is the information I have put together.

If you would like to discuss what I found, I would be happy to review it with you.

I have reviewed the quote# ESIQ8780, the invoices mentioned above and their associated service tickets.

Here are of the details I found…

In the quote, we allocated 40 hours for the set-up, configuration, and migration to the new network which included the following equipment:
- Ubiquiti Ethernet Switch
- PowerEdge R340 Server
- BDR (back-up disaster recovery)
- Rackmount APC (auxiliary power)

Out of the 98.24 hours our consultants invested through Service Ticket #s 1254749, 1299304, 1476028, 1503283, 1538691, 1539417, and 1580377
- 15.24 hours were taken directly off the top (not reflected on invoices)
- 40 hours were considered non-billable (this was the 40 hours, paid through invoice ESI51635)
- 43 hours were considered invoiceable

On the attached invoices (pages 2 and beyond) reflect the 43 hours of services billed.

The only other factor that you might want to consider is the number of hours you access through your agreement with ES Consulting. We anticipate for an organization your size and complexity, that you will need about 4 to 5 hours per month. We expect that some months will go well above that figure and some months will go well below. But over the

course of a year, it should average right around 4 to 5. Your average for the first 19 months is around 11.5 hours per month. The 98.24 hours outlined above is not part of these hours. We aren't overly concerned about the high average, because we know from experience that as the bugs get worked of systems and efficiencies are gained, we will realize fewer service calls.

Chris McKinniss
Business Development
cmckinniss@esconsult.net
Cell: 419.544.7991 | Sales: 419.756.1869
www.esconsult.net

ES|Consulting, Inc, 3849 Park Ave W, Ontario, OH 44903

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