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**Re: contract problems**

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**From** : Clarke <clarked@pgasphalt.com>

Wed, Sep 18, 2013 11:57 AM

**Subject** : Re: contract problems**To** : Rocio Villarreal <rocio.villarreal@co.hidalgo.tx.us>

From: Performance Grade Asphalt, LLC

Date: 09/18/2013

Clarke DuBose, manager

To: Hidalgo County Purchasing Dept.

This is my formal notice of the closure of Performance Grade Asphalt, LLC. We have closed our facility as of 08/01/2013.

Please terminate our contract with Hidalgo County.

Sincerely;

Clarke DuBose

**From:** [Rocio Villarreal](#)**Sent:** Friday, September 13, 2013 11:48 AM**To:** [Clarke DuBose](#)**Subject:** Re: contract problems

Mr. Dubose:

Although you have advised us verbally, your consideration of closing the business, we are needing from you a written notice including your request to terminate the agreement. Please provide us a formal written termination notice so we may be able to submit it to our Commissioners' Court.

ROCIO VILLARREAL

HIDALGO COUNTY PURCHASING DEPT.

CONTRACTS MANAGER

(956) 318-2626 Work

(956) 292-7000 Ext. 4868 Work

rocio.villarreal@co.hidalgo.tx.us

2812 S. Business Hwy 281

Edinburg, Texas 78539

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**From:** "Clarke DuBose" <clarked@pgasphalt.com>**To:** "Rocio Villarreal" <rocio.villarreal@co.hidalgo.tx.us>**Sent:** Tuesday, September 10, 2013 2:41:58 PM**Subject:** Re: contract problems

I am not in violation of the terms of the contract; in fact, Hidalgo County is in violation. By continuously being

past due on invoices Hidalgo County has violated the terms of this contract. I have warned Hidalgo County several times about being past due on payments and the problem has continued. You have been late on most of the invoices and that has caused problems for me. When I asked about adding interest to past due invoices(as Texas law dictates) I was told that Hidalgo County will not pay any late fees. I have lost a significant amount of money due to your late payments.

I had to spend a lot of my valuable time trying to get these late payments. For you to say that I am in violation of the contract terms is beyond ridiculous. It is absolutely outrageous! You still owe for past due invoiced and I am losing more money due to this.

Please pay the amount due and let's just end any further squabbling.

Sincerely  
Clarke DuBose

*Sent from my Verizon Wireless 4G LTE DROID*

Rocio Villarreal <rocio.villarreal@co.hidalgo.tx.us> wrote:

Dear Mr. Dubose:

The Precinct No. 1 Office has called and has forward us the below e-mail from you on reference to your company denying the purchase of the MS-1 Emulsified Asphalt. The item is currently under award contract (C-13-052-06-04) with your company for 2.50/Gal. By denying the purchase of the product your company has caused a work interruption for several of our precincts.

You have a contractual obligation to render the goods requested by precincts under the Exhibit A-Specifications No. 5 Default (please see attached contract).

This letter serves as a written notice to comply with contract,Exhibit A-Specifications/Requirements set by the Hidalgo County. Your cooperation in this matter is needed and will be greatly appreciated. Should you have any questions in reference to this matter do not hesitate to contact me at (956)318-2626 ext. 4868.

Thank you.

ROCIO VILLARREAL  
HIDALGO COUNTY PURCHASING DEPT.  
CONTRACTS MANAGER  
(956) 318-2626 Work  
(956) 292-7000 Ext. 4868 Work  
rocio.villarreal@co.hidalgo.tx.us  
2812 S. Business Hwy 281  
Edinburg, Texas 78539

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**From:** "Marcie Jackson" <marcie.jackson@co.hidalgo.tx.us>

**To:** "rocio.villarreal" <rocio.villarreal@co.hidalgo.tx.us>

**Cc:** "Katia Garcia" <katia.garcia@co.hidalgo.tx.us>

**Sent:** Monday, August 19, 2013 9:33:45 AM

**Subject:** Fwd: contract problems

FYI

Thank you,

Marcie Jackson  
Hidalgo County Precinct No.1  
Accounts Payable  
1902 Joe Stephens Ave.  
Weslaco, Texas 78596  
Telephone# 956-968-8733  
Fax# 956-969-1417  
email:marcie.jackson@co.hidalgo.tx.us

----- Original Message -----

**From:** "Clarke" <clarked@pgasphalt.com>

**Sent:** 8/19/2013 11:20:06 PM

**To:** marcie.jackson@co.hidalgo.tx.us

**Subject:** contract problems

Marcie;

As per your request I am advising Hidalgo County reasons why Performance Grade Asphalt can no longer provide products to Hidalgo County.

1. I am having extreme difficulty in finding trucking service to Hidalgo County. Trucking companies and truck drivers do not want to drive to Hidalgo County. They have told me that their drivers don't want to drive the distance. I have approached multiple companies and the answer is the same. They have also mentioned that trucks are almost always stopped and inspected when they drive through the

Valley. These inspection often result in large fines. They tell me that they are fined for very minor offenses that are usually ignored in other areas. These tickets are usually \$300.00 and up, cutting into their already small profits.

2. Another reason why I need to discontinue service to Hidalgo County is constant problems receiving payments. Almost every invoice issued to Hidalgo County is seriously past due before it is finally paid. I can't count all of the times I have had to call Hidalgo County and beg to get paid. I can honestly say that 90% of your invoices are paid late. It is a very trying ordeal to have to call you over and over and over just to get some kind of response. When I do get in touch with someone about the past due invoice I am treated with indifference. I am told that I need to do this and that when it isn't my fault. This has been going on for years and it hasn't gotten any better. These invoices aren't just a few days or a couple of weeks past due. They are months past due! When these invoices are paid late I lose money. It is very frustrating having to deal with a customer who is late on almost every invoice! I simply can't afford it any more.

Due to the difficulty in dealing with Hidalgo County I can't provide service to you any longer. I can't afford to

deal with Hidalgo County any more! Normally when a government agency is past due on an invoice they pay interest. I thought it was the law. When I mentioned this to Hidalgo County Auditors they didn't know what I was talking about. I don't know if it is law or not but, I have lost a lot of money while dealing with Hidalgo County. I am sorry that it has come to this but, I can't afford to continue to do business with you. The problems with trucking where "the straw that broke the camel's back".

Sincerely;  
Clarke DuBose  
Performance Grade Asphalt, LLC

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Version: 2013.0.3408 / Virus Database: 3222/6662 - Release Date: 09/13/13

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