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*City of Albuquerque*

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**Investigative Informative Case Synopsis**

**FILE NO:** 23-0101-C

**SUBJECT MATTER:** Alleged waste of taxpayer dollars by the Albuquerque BioPark due to purchased shuttles being inoperable due to high temperatures.

**STATUS:** Final

**INVESTIGATOR:** Christopher Saavedra

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*Christopher Saavedra*

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**INVESTIGATOR**  
**OFFICE OF INSPECTOR GENERAL**

August 1, 2024

**Date of Completion**

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*Melissa R. Santistevan*

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August 5, 2024

**Date of Completion**

Signed by:

*Victor Griego*

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August 28, 2024

**Date of Approval**

**DISTRIBUTION:**

- Honorable Mayor**
- President City Council**
- Chief Administrative Officer**
- City Councilors**
- Director Council Services**
- City Attorney**
- Department Director**
- Members, Accountability and Government Oversight Committee**
- File**

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## EXECUTIVE SUMMARY

The City of Albuquerque Office of Inspector General (OIG) conducts investigations, inspections, evaluations, and reviews following the Association of Inspectors General (AIG) standards.

City Ordinance 2-17-2 states the “Inspector General's goals are to (1) Conduct investigations, inspections, evaluations, and reviews in an efficient, impartial, equitable, and objective manner; (2) Prevent and detect fraud, waste, and abuse in city activities including all city contracts and partnerships; (3) Carry out the activities of the Office of Inspector General through independence in both fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to ensure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.”

As defined in the Inspector General Ordinance § 2-17-3, “fraud is the knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. Waste is the thoughtless or careless expenditure, mismanagement, or abuse of resources to the detriment of the City. Abuse is the use of resources or exercise of authority that is contrary to rule or policy, or knowingly inconsistent with any established mission or objectives for the resource, or the position held by the person exercising the authority. Abuse does not necessarily involve fraud or illegal acts.”

On September 25, 2023, the OIG received an allegation that stated that the Albuquerque BioPark (ABQ BioPark) purchased a shuttle that had rarely been used within the ABQ BioPark since its purchase. The allegation stated one of the concerns with the shuttle was that if they operated it in over eighty (80) degree weather, the shuttles could combust. According to the allegation, following the purchase of the shuttle, two (2) “train conductors” were hired to operate the shuttles but they have not had any duties since the shuttles became inoperable.

### **Findings:**

Based on the evidence identified during the investigation, the OIG could not substantiate the allegation of waste. The City did its due diligence to try and correct the manufacturing issues identified to ensure the safety of its employees and the public. The two train operators were also provided alternative job duties until the shuttle was back in commission.

### **Subsequent Matter:**

The OIG identified, through speaking with E2 and E3, that the mechanical team at the BioPark does not have the necessary diagnostic tools or equipment to evaluate the shuttle's error codes properly. The OIG identified through multiple emails that the City and BioPark have attempted to obtain the necessary software from V1 to obtain real-time information for any error codes that are given from the shuttle. It appears that V1 holds the necessary software as proprietary, at least while the shuttles are under warranty.

The OIG identified that the BioPark mechanical team has a cable to allow V1 to remote into the computer from off-site to read and provide a diagnosis of any problems.

The OIG identified from E2 and E3 that the minor error codes that have come up in the shuttle have not been reviewed or diagnosed by V1.

The required equipment to properly diagnose any errors is necessary to ensure that the BioPark mechanics can accurately assess issues in real-time to ensure the safety of its employees and the public.

## ABBREVIATIONS

ABQ BioPark:	Albuquerque BioPark
City:	City of Albuquerque
E1:	City Employee
E2:	City Employee
E3:	City Employee
OIG:	Office of Inspector General
V1:	Manufacturing Company

## INTRODUCTION

The mission of the Office of Inspector General (OIG) is to promote a culture of integrity, accountability, and transparency throughout the City of Albuquerque (City) to safeguard and preserve public trust. Investigations, inspections, evaluations, and reviews are conducted following AIG Standards.

### **Complaint**

Alleged waste of taxpayer dollars by the Albuquerque BioPark (ABQ BioPark) due to the purchased shuttle being inoperable due to mechanical failures at high temperatures and the hiring of two (2) train conductors that had no job duties since the shuttle became inoperable.

### **Background**

The ABQ BioPark completed a purchase order for two (2) shuttles for a total of seven hundred and eighty-four thousand nine-hundred and fifty-five dollars and twenty-six cents (\$784,955.26) on August 2021 with a vendor (V1) outside of the country. The OIG identified the total cost of each shuttle was three-hundred and ninety-two thousand four-hundred and seventy-seven hundred dollars and sixty-three cents (\$392,477.63).

One shuttle was delivered and in operation within the ABQ BioPark by July 2023. Due to manufacturing constraints on V1's side, the City had paid for and received only one (1) of the two shuttles at this time. Leading up to July 2023, the ABQ BioPark hired two (2) drivers to operate the shuttles.

The purpose of the shuttles is for guests to be provided transportation to and from the ABQ BioPark and the Botanic Gardens/Aquarium facilities.

## SCOPE AND METHODOLOGY

### **Scope:**

Events surrounding the purchase of the shuttle and removal from service due to mechanical issues.

The methodology consisted of:

- Assess complaint allegation
- Obtain and review evidence in support of the allegation
- Review of purchase orders and contracts on the purchase of the two (2) shuttles
- Review of periods of in-operation due to mechanical failures.
- Prepare an investigation work plan
- Review the Inspector General Ordinance, Article 17
- Collect evidence or statements to corroborate the events
- Contact the Legal Department to identify pending litigation that would prohibit OIG from investigating
- Contact Risk Management to identify pending litigation that would prohibit OIG from investigating
- Write report

This report was developed based on information from interviews, inspections, observations, and the OIG's review of selected documentation and records.

## **INVESTIGATION**

### **Allegation:**

Alleged waste of taxpayer dollars by the Albuquerque BioPark (ABQ BioPark) due to the purchased shuttle being inoperable due to mechanical failures at high temperatures and the hiring of two (2) train conductors that had no job duties since the shuttle became inoperable.

### **Authority:**

Article 17: Inspector General Ordinance

### **Evidence:**

Purchase Orders

Vendor Contracts and Amendments

Technical Specifications for the Shuttle

Witness Inquires

Observation of shuttle operations

Shuttle Technical Specifications and Manuals

### **Analysis:**

In conducting our investigation, the OIG considered the evidence as a basis for our analysis.

Waste, as defined by Inspector General Ordinance §2-17-3 is the thoughtless or careless expenditure, mismanagement, or abuse of resources to the detriment of the City.

The OIG identified that after the shuttle became inoperable in July 2023 and would therefore be out of commission for an extended period, the two (2) shuttle operators were offered a transfer to the Transit Department. The shuttle operators requested to have modified duties to stay at the BioPark until the shuttles were operational. From this, the two (2) shuttle drivers were reassigned to the Guest Services team at the front gates of the BioPark to scan tickets. The shuttle drivers were informed that they would be moved back to full-time shuttle operations once the shuttle had passed the warranty inspection/commissioning.

The OIG reviewed the manual provided by V1 for the shuttles purchased, in that review the OIG could not identify any mention of limiting or avoiding the operation of the shuttle at or above a specific outside temperature as outlined in the initial allegation. The OIG also reviewed the sales documents of V1, and there is no mention of limitations on the operation of the train above a certain outdoor temperature.

The OIG identified that the ABQ BioPark contacted the manufacturing company (V1) in August and September 2023 to repair the shuttle. The OIG reviewed the vendor contract between the City and V1. *Section 6. Warranty* under the City of Albuquerque Terms and Conditions section states:

*Vendor warrants that the goods and services furnished shall (a) conform to the specifications; (b) be free from defects in materials and workmanship; (c) be suitable for the purpose intended; (d) be new and of most current production; (e) be free from security interests or liens; and (f) not infringe upon or violate any copyrights or patent rights.*

V1 advised the ABQ BioPark staff on troubleshooting steps. The BioPark was unable to repair the identified issues at that time. As a result, V1 made arrangements to travel to the ABQ BioPark to make the repairs at no cost to the City.

In November 2023, V1 arrived at the BioPark to conduct their assessment and repairs. During this time, V1 identified that they would be unable to complete the repairs due to the lack of required parts on hand. It was found that the shuttle's drive motor was not turning and there was overheating of the braking system components.

In January 2024, V1 returned to the BioPark with the required parts for the previously identified issues and completed the installation and additional improvements to the Air Conditioning unit due to condensation buildup on electrical components, with the assistance of BioPark staff. V1 conducted a trial run of the shuttle on the 18<sup>th</sup> and 19<sup>th</sup> of January 2024 without any issues.

In February 2024, V1 commissioned and warrantied the shuttle under the vendors' specifications.

In April 2024, the ABQ BioPark resumed the operations of the shuttle within the BioPark. The OIG performed an onsite visit to the ABQ BioPark on April 17<sup>th</sup>, 2024, and confirmed that the shuttle was in operation for guests. The OIG also spoke with E1, one of the shuttle operators initially hired for the position before the shuttle ceased its operations in July 2023. The OIG asked E1 if they were initially hired to be a shuttle driver. E1 stated that they were. The OIG asked what E1's duties were when the shuttles were not in operation. E1 stated that they were assigned to scan

tickets at the front gates during that time. At the time the OIG spoke with E1, E1 stated that at the beginning of April 2024, the shuttle resumed operations at the BioPark.

In August 2024, the OIG conducted a follow-up inspection at the BioPark to observe and inquire about the operation of the shuttle during the time since April 2024. The OIG spoke with E2 and E3, BioPark employees who work on the maintenance and repairs of the shuttle. E2 and E3 stated that the shuttle has been in operation with a modified schedule of:

*Wednesday – Sunday*

<i>Departure Station</i>	<i>Departure Time</i>
<i>Zoo</i>	<i>10:00 am</i>
<i>Aquarium/Botanic Garden</i>	<i>10:30 am</i>
<i>Zoo</i>	<i>12:00 pm</i>
<i>Aquarium/Botanic Garden</i>	<i>12:30 pm</i>
<i>Zoo</i>	<i>2:00 pm (Last Run)</i>
<i>Aquarium/Botanic Garden</i>	<i>2:30 pm (Last Run)</i>

E2 and E3 stated the reason for the modified run time of the shuttle was due to noticing a minor operation issue due to excessive ambient temperatures. E2 and E3 stated that the shuttle has been in operation without issue since first reimplemented in April 2024.

**Finding-Allegation:**

Based on the evidence identified during the investigation, the OIG could not substantiate the allegation of waste. The City did its due diligence to try and correct the manufacturing issues identified to ensure the safety of its employees and the public. The two shuttle operators were also provided alternative job duties until the shuttle was back in commission.

**SUBSEQUENT MATTERS AND OBSERVATIONS**

**Subsequent Matter:**

The OIG identified, through speaking with E2 and E3, that the mechanical team at the BioPark does not have the necessary diagnostic tools or equipment to evaluate the shuttle's error codes properly. The OIG identified through multiple emails that the City and BioPark have attempted to obtain the necessary software from V1 to obtain real-time information for any error codes that are given from the shuttle. It appears that V1 is treating the required software as proprietary.

The OIG identified that the BioPark mechanical team has a cable to allow V1 to remote into the computer from off-site to read and provide a diagnosis of any problems.

The OIG identified from E2 and E3 that the minor error codes that have come up in the shuttle have not been reviewed or diagnosed by V1.

The required equipment to properly diagnose any errors is necessary to ensure that the BioPark mechanics can accurately assess issues in real-time to ensure the safety of its employees and the public.



**Recommendation:**

The City and V1 should attempt to negotiate terms for the City's use of the required software so the BioPark mechanical team can properly diagnose and maintain the shuttles on site to avoid a potential downtime of the shuttle.

Additionally, once the warranty expires the City will not have to incur costs for the vendor to fly to Albuquerque to assess and fix the equipment.

**Management Response:**

As stated in the Subsequent Matter 1, V1 did provide diagnostic cables to the BioPark. The BioPark mechanics are able to connect the cables to the shuttle, and V1 can remote into the computer to pull the information and run the diagnostic testing (for electrical issues). No other codes have been shown to warrant diagnostics. On mechanical issues like the clutch break assembly, the remote diagnostic features are not beneficial. The ability for V1 to remote in and read the codes is sufficient.

When the warranty period with V1 is completed, the BioPark plans to obtain a professional / technical contract for diagnostic services, parts and maintenance for the shuttles.