

# Comparative analysis in centralised European public procurement

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## Abstract

Writings associated with centralised public procurement in the literature approach this issue from different angles. In our view, when analysing centralised public procurement models and solutions, attention needs to be paid to the specific features of public procurement as well as the institutional characteristics of the major central procurement organisations. In our research, we chose a few of the central procurement organisations in 8 European countries to compare their activities, market positions and institutional characteristics. This comparison calls attention to the diversity of analytic criteria even in this case, underlining that the legal regulatory background to public procurement is not necessarily predominant in determining specific features and characteristics.

Keywords: centralized procurement, cooperative procurement, public procurement

## Introduction

Public procurement literature has not paid much attention to the analysis of structures that form the basis of a centralized public procurement system. This issue is of high importance, since the typical purchase value in centralized public procurement is high. It underlines the importance in itself, but the comparison of the characteristics of the structural background is also expected to yield interesting results. The starting point of our article is that international literature deals with the great extent of the structural study of procurement and public procurement practices. These findings can also provide a basis for the evaluation and further consideration of individual EU Member States' frameworks. The structure of this paper will be as follows: after dealing with the results of literature, we highlight three factors that are important for the design and functioning of structures. Eight EU countries were chosen to be compared. In addition to the identification and overall comparison of the central procurement organizations, the investigation will focus in particular on efficiency, economies of scale, structure of financing and products to be procured. We will highlight the examples that are distinctive at European level or largely different from those of the majority. A similar analysis has not yet been carried out, which examines the issue following the implementation of the

new European directives, given that the legal environment expressly emphasizes and supports the activities of central purchasing organizations in Europe.

### **Literature review**

The organizational framework for procurement, procurement processes jointly carried out by organizations across borders or by separate organizations, are at the centre of numerous procurement and public procurement research projects. As the main objective of both the corporate and public procurement activities is similar (supplying the organization with inputs), so it may be interesting to consider the published results together. Our article will therefore briefly review the main professional issues and results that determine the development of a system of criteria for the structural framework for public procurement.

The decision to go in for centralisation and its success in corporate procurement depends on a number of factors. Rosemeijer (2000) emphasises the relative homogeneity of demand and regards the level of development and maturity of procurement as factors that have a direct impact on the mode of implementing centralisation. There are a number of interim solutions in between the individual levels of centralised procurement from the transfer of information through joint planning to the establishment of a common procurement organisation which can be very diverse with respect to the content of their cooperation.

Smart and Dudas (2007) call attention to the standardisation of specifications and the process of decision-making on centralisation. Literature on procurement regularly describes a global approach, an emphasis on synergies and the efforts required for implementing a common objective. Yet, public procurement literature on centralisation and joint procurement is relatively scarce. The majority of existing materials analyses joint procurement, realised through the party's own initiative and by their commitment. If, however, this is not the case but it is a matter of centralisation determined by law, the implementation of the common objective by the central procurement organisation and the users is not necessarily identifiable and there is less emphasis on synergies and the global approach.

According to Eriksson and Westelberg (2011) joint public procurement has an expressed positive impact on performance, while Blair et al (2014) analysed primarily the relationship between local undertakings and collaborative public procurements. Analysts call attention to a large number of other aspects which may contribute to the success of joint procurement. One of the most interesting examples is Erridge (2000) who reports on lower costs in his book that can be achieved in the wake of professional training cooperation, i.e. he expressly classifies this mode of cooperation as a practical example of joint procurement. Kim et al (2012) identify cooperating and opportunistic inter-organisational forms of behaviour.

Also, the analysis of cooperation from the viewpoint of dependence is quite frequent. Ranjay and Sytch (2007) interpret the so-called "joint dependence" in procurement relationships. Several studies address the reasons for and motivation of cooperation (Wang et al, 2005, Wang et al 2006, Essig, 2000, O'Brien, 1995).

O'Brien (1995) expressly identifies the objectives of cost reduction and service development as leading to joint procurement agreements in the sector of public service providers. According to Wang et al (2005) there is motivation for procurers so long as the costs of coordination are sufficiently low. The study of Wang et al (2006) analyses the conditions which lead to the choice of a joint procurement strategy. Teabok et al (2006) research the triad of joint procurement—production—supply, where joint procurement clearly presupposes an economical solution.

This brief overview reveals that some common factors are present in literature. In this paper we highlight 3 of them.

- The efficiency and economies of scale
- The structure of financing,
- Procured product.

In the following parts we analyse these three factors in the course of the comparison, we chose Austrian, British, Finnish, French, German, Italian, Portuguese and Swedish central procurement organisations and following their brief description, we compared them based on their specific features. We studied their national characteristics, financing backgrounds and institutional conditions and we called attention to the wealth in interpreting the very diverse central procurement organisation despite the same set of regulations.

### **Research model**

Our research was focused on examining the centralised public procurement systems of 8 European countries from the viewpoint of organisation, financing and procedures. We focused on the largest central procurement organisations, whose activities have the greatest impact on the public procurement market of the given country.

In the course of the research, we solicited the opinions of national experts and we analysed and compared them. The national experts were all acknowledged professionals with experience in public procurement. The comparison was enabled by questions of identical structure. The analysis focused not so much on the legal background, although it presumed that the everyday activities of central procurement organisations are determined by nearly identical procedural rules and obligations as all of the 8 countries are EU Member States.

The central procurement organisations concerned included the following:

1. Austria – *Bundesbeschaffungs GmbH (BBG)*
2. United Kingdom – *Commercial Crown Services (CCS), National Health Service (NHS)*
3. France – *Direction des Achats de l’Etat (DAE), Union des Groupements d’achats Publics (UGAP)*
4. Germany – *Beschaffungsamt beim Bundesministerium des Innern or Bundesbeschaffungsamt (BBA), Bundesamt für Ausrüstung, Informationstechnik und Nutzung der Bundeswehr (BAAINBw), Generalzolldirektion – Referat RF3 (RF3), BAM*
5. Sweden – *SKL Kommentus Inköpscentral (SKL Kommentus), SIC*
6. Finland – *HANSEL Ltd., KL- kuntahankinnat*
7. Portugal – *Entidade de Serviços Partilhados da Administração Pública (ESPAP), Serviços Partilhados do Ministério da Saúde (SPMS)*
8. Italy – *Concessionaria Servizi Informativi Pubblici (CONSIP)*

Assistance in the selection of the procurement organisations was provided by national experts as in several cases (Finland, Sweden) there are a number of central procurement agencies supplying individual regions characteristically upon municipal initiative. In this case, we try to focus on major organisations covering the entire country.

### **A general comparison of the central procurement organisations**

Below (Table 1.) is a general comparison of the individual countries based on their most important central procurement organisations. The criteria of the general comparison were compiled based on the template sent to the national experts.

*Table 1 – Main characteristics of EU CPBs*

|  |  |  |
|--|--|--|
| Form of ownership                        | Authority, agency<br>GB – CCS, NHS<br>FR – DAE, UGAP<br>DE – BBA, BAAINBw, RF3, BAM<br>IT – CONSIP<br>P – ESPAP<br>S – SKL Kommentus, SIC                                  | State or municipal-owned company<br>AU – BBG<br>FI – HANSEL, KL<br>P – SPMS  |
| Characteristic type of procedure, system | Framework agreement<br>AU – BBG<br>GB – CCS, NHS<br>FI – HANSEL, KL<br>FR – DAE, UGAP<br>DE - BBA, BAAINBw, RF3, BAM<br>IT – CONSIP<br>P – ESPAP<br>S – SKL Kommentus, SIC | Dynamic procurement system<br>AU – BBG<br>P – SPMS<br>S – Kommentus, SIC<br>IT – CONSIP                                |
| Financing                                | Fee<br>GB – CCS (ad hoc basis), NHS<br>FI – HANSEL, KL<br>FR – UGAP (onselling)<br>IT – CONSIP<br>P – ESPAP<br>S – SKL Kommentus, SIC                                      | Free<br>AU – BBG<br>DE – BBA, BAAINBw, RF3, BAM  |
| Nature of use                            | Mandatory<br>AU – BBG (Except if they can procure under better conditions)<br>FI – Hansel for a given range of products<br>DE – BAAINBw, RF3, BBA, BAM (certain products)  | Optional<br>GB – CCS, NHS (not on an ad hoc basis)<br>FI – KL<br>FR – DAE, UGAP<br>P – ESPAP<br>S – SKL Kommentus, SIC |
| Range of goods to be procured            | Permanent<br>AU – BBG<br>GB – CCS, NHS<br>FI – HANSEL (a part)<br>FR – DAE<br>DE – BAAINBw, RF3, BAM, BBA<br>P – ESPAP, SPMS   | Variable<br>FI – KL, HANSEL as needed<br>FR – UGAP<br>S – SKL Kommentus, SIC as needed                                 |

In the case of these 8 countries, a fully identical directive background determines public procurement regulation and accordingly, the central procurement organisations may administer identical types of procedures. A characteristic solution continues to be conducting framework agreement procedures, which are limited and fail to provide the kind of flexibility that the contracting authorities served by the central procurement organisations would like to have.

The central procurement organisations of the individual Member States are exceedingly restrained in utilising joint cross-border procurement opportunities – Austria is, for instance, in the vanguard in this – in spite of the fact that the directives have made this possible for years.

The form of ownership has little impact on the activities of the procurement organisations whether they are authorities or agencies or state or municipal-owned companies. Their success depends much more on their financing, legal background and the efficiency expectations. It is typical that extreme control characterises only a few countries (Italy); this, however, is not aimed at the central procurement organisation, but it is generally a part of the struggle against corruption in the given country.

In the case of Austria and Germany, the central procurement organisations offered their services free of charge, while in the other countries this activity is financed by market agents in some way or the other.

In order to comply with the criteria concerning economies of scale, the majority renders the use of central procurement organisations mandatory for certain groups of contracting authorities in the course of procuring products and services, and these solutions can be highly diverse.

The range of goods to be procured is characteristically permanent, although solutions demanding flexible adjustment on the part of the central procurement organisation, depending on market demand, appear with increasing frequency.

### **Certain review criteria in practice**

Above, we indicated that the three criteria – efficiency and economies of scale, financing and the determination of the range of products to be procured – are subjects which unambiguously appear in literature, and characteristically determine the activities of the central procurement organisations. Below, we examine the individual central procurement organisations in the 8 EU Member States with respect to these criteria. Presenting the general solutions, we shall also briefly discuss specific features, which make a solution characteristic from a certain point of view, or differ from the model applied by the majority.

#### *Efficiency, economies of scale*

The individual central procurement organisations typically administer framework agreement procedures, the use of which is partially mandatory, justified by criteria of economies of scale.

In Austria, the tasks of BBG include the compilation of needs in order to obtain better prices and terms and conditions from suppliers, as well as the standardisation of public procurement in order to reduce the costs of processing and legal risks. BBG's client may draw down certain products and services via an electronic platform based on framework agreements concluded by BBG.

It is a general rule in the United Kingdom that there are no legal requirements of mandatory force for the contracting authorities concerning applying any given procurement route, any given framework agreement or any given financial model. Policy regulators, however, may render certain routes of procurements, certain framework agreements or financing models mandatory or may only prefer them in the case of certain types of contracts.

The famous NHS comprises central procurement organisations; the procurement regulations pertaining to them set a number of objectives for the procurers, including meeting the needs of patients and improving the quality and efficiency of services. In the case of health care procurement, the interests of the patients are paramount in the course of procurement.

In Finland, the goal of the major central procurement agencies is to position themselves as the “champions” of developing national public procurement practice and to be innovative in public procurement, in sustainable public procurement and the use of electronic instruments.

Hansel, the largest central procurement organisation, reduces tendering-related risks by providing expertise with regard to public procurement legislation and monitoring the tendering process of the company. The company uses internal guidelines and a system of quality assurance for tendering. During the tendering phase, the financial, technical and professional capabilities of all the suppliers under a given framework solution are studied and evaluated to see whether they are truly able to supply the products or services to be procured. Contracted suppliers are monitored throughout the period of the contract. In cooperation with a risk management expert, Hansel regularly carries out major risk identification projects, the results of which are presented in detail in their report on corporate responsibility.

In France, the government's objective in setting up the DAE service was to increase savings year by year through global procurement and efficient strategies. To achieve that objective, the decree setting up DAE created coordinators in every ministry and every region to develop cooperation and economies of scale. In addition to DAE, today UGAP is the only central procurement agency in the country, inviting bids for a very wide range of services. Its legal standing renders it to be a special company: its objective is not to make profit but exclusively to optimise public procurements. Thus, the price enforced vis-a-vis state authorities includes internal costs, but not a commercial margin. In the case of other contracts, UGAP itself manages the implementation of the contract in cooperation with the suppliers. In the cases of more complicated procurements, UGAP makes personalised bids to public procurers. In such cases, the state authority contacts UGAP, and determines its needs. UGAP then makes its bid in relation to the suppliers already selected and the state authority confirms this. In the case of services of this kind, UGAP concludes exceedingly broad, open framework agreements, where the final selection is based not on price competition, but on the ability of the individual bidders to satisfy the accurate need. In such cases, UGAP's role is first to assist state agencies to determine their needs, then to select the appropriate economic agent from among the preselected candidates based on the framework agreement.

In Germany, the procurement of certain products and services via BAM is mandatory for all federal ministries and agencies. Numerous German central procurement organisations provide their services free of charge, that is, the operation of the procuring organisations is directly financed from state funds.

In Italy, the budget of Consip is covered by the repayments of special projects paid by agencies of public administration, which concluded concrete agreement with the company. As they wanted to reduce the weight of public expenditure spent on Consip activities, they introduced a repayment mechanism, on the basis of which the economic agents having won framework contracts and framework agreements pay. Consip's role is of outstanding importance as in Italy the procurement capabilities of the contracting authorities are evaluated, thus establishing expertise in public procurement where the role of the largest procurement agency stands out.

In Portugal, ESPAP charges a relatively limited fee for its services to all contracting authorities, every time they make use of a framework agreement. The development of the IT system, with which they monitor the use of the individual framework agreement by the contracting authorities is decisive as it helps to better understand the needs and to achieve as high savings as possible. Through the rational use of joint state resources and providing shared services, ESPAP indirectly contributes to improving efficiency, which is the very objective of its establishment. The health care sector has by far the largest budget for

procuring goods and services, hence they set up a separate central procuring organisation, called SPMS, to manage these procurements.

In Sweden, the objective of the central procurement agencies is to gather information on the procurement practices and needs of their customers in order to be able to offer them framework agreement of the needed version. Yet contracting authorities are not required to report anything to the central procurement organisations. In practice, the information used to plan the operation of the central procurement agencies is based on formal and informal negotiations with the customers. The national central procurement organisations can rely on the information that was given to them, and what they can obtain from the suppliers under the framework agreements. In other words, their activities are based on maintaining contact and cooperation.

### *Financing*

The financing models of the central procurement agencies show a rather mixed picture.

In Austria, the contracting authorities at provincial and local levels and the other agencies making use of BBG services pay 0.2-2 percent – 1 percent on average – of the drawdown value of the framework agreements (the value of the final contract). The services are free of charge for the federal agencies. The exact percentage depends on the savings achieved in the course of procurement relative to what the federal, provincial or local agency achieves when it carries out the procurement itself. The base subsidy by the Federal Ministry of Finance covers the part of the costs of BBG's operation, not financed by the percentages (fees) due to it on the contracts it concluded.

In the UK, whether a contracting authority has to pay for access depends on the terms and conditions of the numerous framework agreements of CCS. CCS may carry out public procurement on behalf of the contracting authorities or public service providers also. Generally, CCS charges a service fee for such services to the contracting authorities or public utilities. The level of the service fee changes according to the type of the contracting authority/public utility, the type of the public procurement contract and the services provided by CCS.

In Finland, all the central procurement agencies finance their costs of operation from the service fees collected from the selected suppliers. This fee-based system encourages central procurement agencies to set up desirable framework agreements and to sell them. The service fee is a percentage of the sales realised by the supplier through the framework agreements. This percentage varies between 0.7 and 1.5% for the various types of framework agreements. In France, the objective of UGAP is not to make a profit, but exclusively to optimise public procurement. Thus, the price charged to state authorities includes internal costs, but no commercial margin.

In Germany, the customers of BBA, BAAINBw and BAM are not required to pay for the services.

In Italy, the service fee charged by CONSIP may be at most 1.5% of the procurement value net of VAT payable by the contracting authorities.

In Sweden, SKL Kommentus and SIC cover their operation from the service fees collected from the selected supplier. Kommentus is financed by service fees, ranging between 0.4% and 2.0%.

### *Range of products*

Albeit the range of products to be centrally procured in the individual countries changes continuously, depending on demand, yet, in the majority of cases, the procurement of characteristic product groups can be identified.

In Austria, the products and services procured by BBG are the following: IT and telecommunications, mobility (vehicles), energy, real estate management, services, food, office stationery and furniture, medical and laboratory devices. They frequently offer additional services, such as the “e-Reisen” (e-travel), which is an online booking instrument enabling BBG customers to organise the planning of their trips, including booking flights, hotels and car rentals.

In Finland, the following products and services are centrally procured: printing services, electricity, fuel and other petroleum products, office furniture and equipment, IT equipment and accessories, software and licences, data and mobile network services, cars and related services, travel services (~~flights, hotels and travel agency services~~), vocational health care.

In Germany, every federal ministry and agency procure certain products and services through BBA, where the typical subject of contracts are services, IT, telecommunications, vehicles and accessories.

The products and services of BBAINBw which all federal ministries and agencies must procure via the central procurement organisations are petrol and petroleum products, energy-related technology, including batteries, all types of instruments and communication technology. The typical subject matter of BAM contracts includes simple office supplies (paper, etc.), standard vehicles and their parts, office technology (computers, etc.), protective clothing, computer accessories (cartridges, etc.), furniture.

In order to be able to specify the volume and specification of procurements, in Italy, Consip and the agencies summarising public procurement collect data from the contracting authorities. In addition, Consip may study the goods and services needs of the central state agencies. These are varied including the goods and services procured for the health care sector, armed security services, facility management, office cleaning, security service, maintenance of buildings and plants. In 2016, 13 initiatives were launched in the health care sector and in various universal sectors (postal service, ITC equipment, insurance services, elevator maintenance, postal and transport services, furniture, printing of voting slips) by way of the dynamic procurement system in public administration.

In Portugal, the products procured by ESPAP include computer equipment (both procurement and rental), natural gas supply in a free market system; maintenance of heating, ventilation and air-conditioning systems; electricity supply under a free market system; paper and other office supplies; maintenance of elevators; infrastructure for IKT technologies; furniture; hygienic and cleaning products; procurement of software licences and related services; supervision and security. Products procured by SPMS include vaccines, contraceptives, medications, medical and laboratory materials, different kinds of medical instruments, special services.

In Sweden, SIC manages roughly 1,200 framework agreements in almost 40 areas, including IT products and services, office furniture and equipment, travel services and accommodation, services, hotels and conferences, security, transportation and vehicles, mixed services (management consulting, temporary employment services, translation and interpretation services, etc.). The management of SKL (Kommentus’ parent company) continuously gets recommendations from municipalities, county councils, regional institutions and companies concerning the goods and services, which can be suitable for nationwide aggregated procurement, on the basis of which they draw up their annual public procurement plan.



## Summary

The role of the central procurement organisation is on the increase in Europe, reinforced also by the directives, which give a greater degree of freedom to the central procurement organisations. Having studied the activities of the highly important central procurement organisations of 8 EU Member States, we analysed three criteria in depth.

Both in the case of companies and public procurements, one of the most important objectives of centralisation is the search for more efficient solutions. More efficient solutions may appear in the efficiency of the process (the number of procedures administered in parallel declines), but this also raises the question how the costs of the central organisation can be financed. Another area of improving efficiency is the synergy that can be achieved in the procured products.

With respect to efficiency and economies of scale, it can be established that the more advanced models focus on cooperation, on obtaining accurate knowledge of market needs, that is, in the course of centralisation, they are not satisfied with requiring the mandatory use of centralised public procurement. IT support is available everywhere, the transition to the Dynamic Procurement Systems is gradual, so far only a few have switched to innovative technologies. The characteristic subjects of procurement are greatly varied, typically the health care sector receives attention beside logistical services, IT products and other products and services indispensable from the viewpoint of running a government.

In the most cases, financing is proportionate to the use of the framework agreements, charging 1-2%, yet it can be established that financing of those organisations can be regarded as resolved, which also undertake additional activities. The state participates in financing in several cases, specifying additional objectives for the central procurement organisations. Quality services or typically in the case of the health care central public procurement organisations, the criteria of the patients override the criteria of efficiency. Similarly, market needs frequently override criteria of economies of scale, i.e. use of certain framework agreements is not made mandatory, or exemptions are provided from using the contracts of the central procurement organisations in order to acknowledge at state level that a contracting authority may have needs not covered by standard framework agreements.

Opening the use of the framework agreements not only to central state actors indicates that a central procurement organisation may become a genuine service centre, even though this makes procurement hard to plan; it reduces administration for a wide range of contracting authorities and permits them to focus on genuine procurement issues and not on the complicated conduct of the procedure.

Eight EU Member States under study continuously renew the activities of their central procurement organisations. Yet, the majority does not directly monitor them, instead their expectations must be complied with by the central procurement organisations. In terms of organisational framework, these organisations exhibit more flexible, more market-like behaviour, which is exemplary for the contracting authorities. It is not fortuitous that mandatory centralisation and the free use of framework agreements gives rise to so much debate, because there is a genuine risk that the organisation becomes too comfortable, if it is mandatory to make use of its services. In this absence of this, however, these organisations cannot be called to account for economies of scale, or to put it more accurately, there is a greater pressure on these organisations to provide true services to the contracting authorities, making their activities more attractive, offering the right subjects of procurement and successfully financing themselves.

This is the interaction between the financing, subject matter of procurement and efficiency criteria studied by us, for which every Member State invented their own models. At the same time, synergies are utilised only at nation-state level, and they do not make use of the services of the central procurement organisations of other Member States. It would be worthwhile to study and analyse the extent to which efficiency could be improved by using Dynamic Procurement Systems and electronic catalogues, or by increasing the interaction between Member States.

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