

Favoritism and Public Procurement Performance at Mbarara City, Uganda



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ABSTRACT: This study was about favoritism and public procurement performance in Uganda using the case Mbarara City. Favoritism was assessed using two dimensions that included price-preference and bidder-preference and the way they affected public procurement performance in Mbarara City. The research design was cross-sectional involving the utilization of a quantitative approach. The analysis involved inferential statistics (Spearman correlation, coefficient of determination and regression). The results showed the strong influence of favoritism on the conduct of public procurement performance whereby more favoritism contributed to poor public procurement performance and less favoritism contributed to better public procurement performance. It was recommended that City councils should ensure adherence to procurement laws in order to curb political and public officers' influence that leads to favoring certain people for procurements, as this will improve public procurement performance.

INTRODUCTION

Background

The procedures for conducting any procurement activity in Mbarara City are governed by the Public Procurement and Disposal Assets Act 2003 (PPDA Act 2003) (Mbarara City, 2022). The provisions of the PPDA aim to ensure there no discrimination of any supplier of services and materials being procured such that there is transparency, fairness and competition in the procurement process. All procurements made by the City Council itself necessitate better procurement practices (Mbarara City, 2022). Mbarara City Accounting officers are responsible for handling the procurement (Bainomugisha, Rukyamuuzi & Tahinduka, 2022). Another group of stakeholders involved in Mbarara procurement includes the Procurement and Disposal Units (PDUs) and the User Departments, the Negotiation Committees (Ad-hoc), Contracts Committee, and the Evaluation Committee (Ad-hoc) (Aine, 2019). Each of these carry out their own independent work to ensure that all procurement activities in accordance with the PPDA Act to ensure that there is value in money spent on procurements (Aine, 2019).

Although a regulatory mechanism is in place to ensure better public procurement performance as explained in the previous paragraph, this has not been achieved in Mbarara City as expected - an issues characteristic to other Uganda public institutions. For example, in the financial year 2017/18, Mbarara City failed to raise the expected amount of UGsh 9 billion due to delay in the procurement process (Aine, 2019). Under-declaration of tenders led to the collection of only local revenue of UGSh 2.3 billion. During the 2020/2021 financial year, Bainomugisha *et al.* (2022) highlighted concerns about public procurement delays, as was the case for the planned and budgeted development of the Nyamiriro gravity flow system, which was not implemented due to slow procurement process. The third regional development plan (2016-2020) identified the long-term procurement process as a barrier to the implementation of City services (Mbarara City, 2022).

The assumption of this study was that the poor performance of public procurement in the city of Mbarara could be caused by various forms of favoritism that had been documented. Favoritism is widespread in Mbarara City and it is more prevalent in procurement that involves a lot of money. For example, award of procurement tenders has been reported in favor certain people who friends the Mbarara City procurement officers or who have political connections and most of these favored people in the procurement lack the ability to delivery as required (Anyoli, 2023). The Public Procurement and Disposal Authority (PPDA) instigated an investigation into the bias in the award of the Mbarara taxi fleet contract and any further action relating to this contract was suspended until the investigation was completed (Kabasongora, 2022). This was the third time the tender process

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for the Mbarara taxi fleet had been challenged. However, this evidence regarding favoritism has not been proved the cause of poor public procurement in Mbarara City. This study was carried out to address this empirical knowledge gap.

Statement of the Problem

Mbarara City is supposed follow existing public procurement legal procedures and guidelines to improve its procurement performance. The public procurement legal procedures and guidelines aim to avoid favoritism in Mbarara City's public procurement. However, despite the existing public procurement legal procedures and guidelines, there have always been continuous complaints about Mbarara City public procurement performance. These complaints include procurement process delays, resulting in poor procurement performance (Aine, 2019; Mbarara City, 2022). At the same time, there is evidence relating to favoritism in Mbarara City's public procurement. Mbarara City public officials that include administrators and politicians are said to engage in favoritism when awarding procurement contracts (Aine, 2019; Office of the Auditor General, 2018). This favoritism is linked to negative aspects such as the contracting individuals who do not have capacity to fulfill the public procurement intended objectives that in turn tarnishes the reputation of the City Council among members of the community. With incidents like this, one wonders to what extent favoritism affects public procurement in Mbarara, which has aroused interest in conducting this study to provide such evidence.

Purpose of the Study

This was to examine how favoritism influences public procurement performance in Mbarara City Council, Uganda.

Conceptual Framework

Figure 1 hypothesizes the influence of favoritism on public procurement performance.

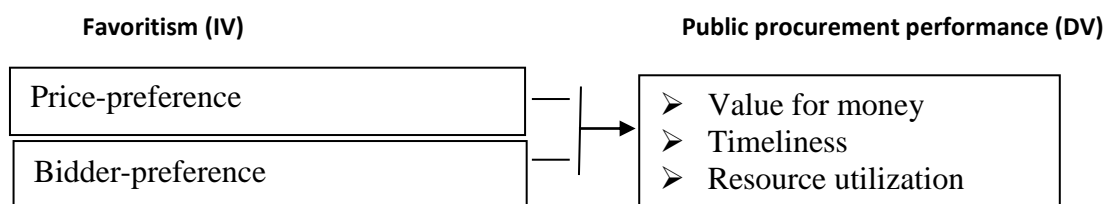


Figure 1: Influence of favoritism on public procurement performance

The conceptual framework shows favoritism was treated as the independent variable, which was categorized into price-preference and bidder-preference while public procurement performance was treated as the dependent variable, which was categorized procurement value for money, procurement deliveries timeliness and procurement resource utilization. The assumption was that a less favoritism would result into better public procurement performance while more favoritism would result into poor public procurement performance.

Significance of the Study

The results of this study are expected to be useful to Mbarara City, policy makers and the knowledge body in the following ways. For Mbarara City and other local governments in Uganda, the study results provide technical information and therefore insights into favoritism in the public procurement process. Having exposed the challenges that can arise in the public's procurement of goods, the Mbarara City might take advantage of the findings to close the loopholes that lead to favoritism in public procurement. Furthermore, the research findings should be useful in providing updated information to policymakers and others whose actions can inform further analysis of policy review related to eliminating favoritism in the procurement process, particularly in local governments. Especially, the results can be used to develop public procurement policies that can be used to improve public procurement management and thus improve the procurement process in public institutions. This study may also provide some areas that may need further research for scholars seeking to expand their knowledge on favoritism and performance of public procurement. In doing so, the study results can enrich the existing literature and knowledge related to favoritism and performance of public procurement.

LITERATURE REVIEW

The procurement auctions literature is entrenched with extensive information highlighting that the possibilities of favoritism to occur in a procurement auction is dependant very much on what is purchased and the way the procurement is organized (Laffont & Tirole, 2020). In procurement auction models, it is generally assumed that i) the bidding objective is very complex, ii) that potentially large quality differences in the bids exists, iii) that these quality differences are in the first instance private

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information about tenderers and (iv) that delegation is unavoidable. The assumed attributes that are not related to price of bids can be a supplier choice variable, as in Che (2022) and Dastidar and Jain (2023), or external, and in this case they can (Armstrong, 2020), but not necessarily (Szucs, 2023; Vagstad 2021) remains the private information of suppliers.

In the following paragraphs, the literature presented focuses on biased procurement auctions, and the discussion focuses on the types of favoritism to be considered and how they arise, including their effects in general. This literature explains to us, for example, the circumstances that facilitate favoritism. It highlights the likelihood that organizations' permanent characteristics, such as their probability of bankruptcy, may be the reason why the lowest bid always sometimes wins. The basic premise of this study is that Uganda's Public Procurement law has consequences that are peculiar that give districts/City a high degree of freedom in choosing the way they procure services and the tenderers to choose.

According to Hyytinen, Lundberg and Toivanen (2021), favoritism can take several forms. A clear case of favoritism arises when each tenderer has more information than others about his/her own cost charges and the cost charges for at least one tenderer compares unfavorably with that of the others. If these asymmetries in tenderers' costs are known to everyone, the buyer is encouraged to apply a price preference policy that consists of not always buying from the lowest tenderer. The policy forces organizations with lower costs to bid more assertively giving an opportunity to the buyer to lessen their expected costs of procurement. This form of favoritism can be effective if the effectiveness is measured from the end users' perspective. In this study, they will be residents of local governments. This view differs from that adopted by Eklöf (2021), who considers the effectiveness of first-price, sealed-bid procurement auctions of road paint from the point of view of the central government. Eklöf shows because the tenderers were asymmetric in these auctions in the 1990s, the social costs associated with inefficient award of contracts might have been significant.

Another clear case of favoritism arises asymmetries of preference exist, that is, if the purchasing agent prefers one of the participating tenderers. According to Vagstad (2021), the granting of favor is external because the purchasing agent has a desire for particular tenderers, which arise because of the agent's interest in the tenderers' profits (and possibly other positive externalities from production such as employment and income taxes). The agent may discriminate against tenderers in the shadow of asymmetric information. The agent does so by (i) selecting tenderers less frequently and (ii) leaving them with lower profits when they are selected. In Laffont and Tirole (2020), the asymmetry of information by the purchasing agent is the result of collaboration between him/her and a tenderer. Preference asymmetry can also occur endogenously, as is the case in Celentani and Ganuza (2021) due to a demand for favoritism from the purchasing agent and in Dastidar and Jain (2023) due to a game of favoritism.

According to Celentani and Ganuza (2021), the major curiosity is to know how the engagement in favoritism depends on the amount of competitiveness of the environment, while in Dastidar and Jain (2023) it is the opposite (how the engagement in favoritism affects competition). It should be noted that favoritism in Dastidar and Jain (2023) only benefits the buyer if an underprivileged organization is motivated to bid more aggressively - in other words, if engagement in favoritism increases competition. An article by Compte, Lambert-Mogialiansky and Verdier (2021) is another study of how engagement in favoritism affects competition. In their model, the purchasing agent's preference over a particular tenderer also arises because of a game of favoritism. The favoritism game occurs after submission of the bids and one of the purchasing agents manipulates a bid in order to receive a bribe. This model fits in to the class of bidder-auctioneer collusion based on "magic number cheating" (Ingraham, 2021), where the auctioneer or his agent keeps the bid from the tenderer who wants to engage in favoritism until the deadline of bidding and manipulates a new bid for this tenderer are just below the lowest bid from other tenderers. Other models in this same category include Menezes and Monteiro (2021) and Dastidar and Jain (2023) where usually the lowest bids win.

Whether favoritism may be efficient or desirable seems to be contingent on two mutually non-exclusive situations: On the other hand, favoritism can lessen expected costs of procurement if it strengthens competition by motivating the group of disadvantaged organizations bid more aggressively (Dastidar & Jain, 2023). However, this forecast is not consistent: in another example of procurement auctions that are biased, Rezende (2023) thinks about a situation where the buyer's preference over one of the tenderers is external. Although preferences may be the buyer's confidential information, Rezende opines that full disclosure of this preference is usually most favorable, and especially that it may be most favorable for the buyer to influence the auction rules for the preferred supplier. The incentive for introducing bias is that it ensures the supplier that is preferred more probable to win. Because of this, the lowest bid does not usually win. However, the increased bias reduces competition with Rezende's model, since it makes tenderers more asymmetrical. This has the effect of increasing profit margins and the cost of procuring. In Rezende's model, however, there is no room for favoritism in the traditional sense since the end-user runs the auction him/herself.

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On the other side of the coin, favoritism may be desirable if the distribution of favors is systematically linked to the identity of the tenderers and in accordance with the preferences of the tender organization (Vagstad, 2021; Rezende, 2023). In Rose-Ackerman, quoted in Hyytinen *et al.* (2021), organizations face different costs of favoritism. In her model, favoritism is never proficient because it leads to inflated purchasing costs.

METHODOLOGY

A cross-sectional design was used in this study relying mainly on a quantitative approach. A cross-sectional design is preferable because it is considered necessary to obtain information from a large number of selected participants, each of whom has more than one opportunity to express their opinion about the study event (Wang and Cheng, 2020). The quantitative method has been favored to obtain information that can be quantified or expressed numerically, allowing the use of different types of statistics to understand favoritism within the context of public procurement performance.

Convenience sampling in the selection of respondents for this study given only respondents that were available and easily accessed during data collection took part in this study (Golzar, Noor & Tajik, 2022). Convenience sampling was used when selecting service providers, as their busy schedules and were not based at Mbarara City office but only came to transact procurement business and this was the only opportunity of easily involving them in this study. This sampling method was found to be appropriate because it allowed for the selection of any service provider who was found to transacting procurement business at Mbarara City office for this study.

Simple random sampling in this study involved the selection of respondents without bias (Lakhre & Mishra, 2024). Simple random sampling was used when councilors were chosen by giving an equal chance to each councilor of being chosen given that their number was large and not all were chosen. This sampling approach helped reduce selection bias by giving an equal and independent chance to all members of the population group to be selected into the sample population. In particular, each member of this category was assigned a number, and then a number at some point was chosen randomly.

The analysis included inferential statistics specifically Spearman's correlation coefficient and coefficient of determination which were used to show the extent favoritism influenced public procurement performance in Mbarara City. Spearman's correlation was used to test for significant relationships between the variables, as the scale used in the survey was an ordinal scale. However, Spearman's correlation was then multiplied to calculate the coefficient of determination since the focus of this study was on the word "influence" and not the word "relationship". The regression was calculated because it was considered important to determine how each of the favoritism measures (that is, price-preference and bidder-preference) influenced public procurement performance in Mbarara City.

RESULTS AND DISCUSSION

Dependent variable	Independent variable
Public procurement performance	Favoritism $\rho = -.757$ $\rho^2 = .573$ $p = .000$ $n = 50$

Source: Primary data

The results show a strong negative correlation ($\rho = -.757$) between favoritism and public procurement performance. The coefficient of determination ($\rho^2 = .573$) shows that favoritism resulted into a 57.3% change in public procurement performance. These results were tested for significance (p), which showed that the significance value ($p = .000$) was less than the desired critical significance at .05. In this regard, the hypothesis was confirmed that favoritism had a strong influence on public procurement performance at the Mbarara City Council. The interpretation of these results is that the strong influence means that changes in favoritism resulted in big changes in public procurement performance.

Another inferential analysis was performed applying regression to assess the influence of the favoritism dimensions (price-preference biased procurement auctions and bidder-preference biased procurement auctions) on public procurement performance. Results are presented in Table 15 along with analysis and interpretation.

Table 1: Influence of dimensions of favoritism on public procurement performance

Regression Statistics	
R	.795

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R Square	.631				
Adjusted R Square	.616				
Standard Error	6.501				
Observations	50				
ANOVA					
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Sig F</i>
Regression	2	3400.4	1700.2	40.2	.000
Residual	47	1986.4	42.3		
Total	49	5386.8			
	<i>Coefficients</i>	<i>Standard Error</i>	<i>Beta</i>	<i>t Stat</i>	<i>P-value</i>
Intercept	71.90	6.30		11.42	.000
Price-preference biased procurement auctions	-1.45	.62	-.22	-2.32	.025
Bidder-preference biased procurement auctions	-1.58	.22	-.69	-7.33	.000

Source: Primary data

The results in Table 15 show a strong linear relationship ($R = .795$) between the favoritism dimensions (price-preference biased procurement auctions and bidder-preference biased procurement auctions) and public procurement performance. The adjusted R Square shows that favoritism dimensions (price-preference biased procurement auctions and bidder-preference biased procurement auctions) resulted in a 61.6% change in public procurement performance. The ANOVA test shows that the significance (Sig F = .000) of the Fishers ratio ($F = 40.2$) was less than the desired critical significance at .05. Hence, it is concluded that the combined dimensions of favoritism (price-preference biased procurement auctions and bidder-preference biased procurement auctions) affected public procurement performance.

The coefficients findings show that both the price-preference biased procurement auctions and bidder-preference biased procurement auctions singularly affected public procurement performance because the significant p-value (p-value = .025 and p-value = .000) were less than the threshold value of .05. However bidder-preference biased procurement auctions more influenced public procurement performance because the t-value (t-value = -7.33) was higher compared to that of price-preference biased procurement auctions (t-value = -2.32).

The study findings established a strong negative influence of favoritism on public procurement performance in the City council. It revealed by this study that there were a lot of political settings of elected people in the Mbarara City who have commitment to reward voters. They end up supporting and floating people with bid procurement some of who are either relatives or friends or voters. In other words, politicians encourage the vice of favoritism at Mbarara City Council procurements process. Oluka and Ssenoga (2018) found that the problem lies with Tender Bodies and this is particularly with regard to how they are composed. They noted that elected leaders, especially heads of Cities, nominate some of their campaign colleagues to influence the bidding process and when the latter succeed, they are rewarded by the former. He argued that public procurement information is disclosed to potential bidders violating transparency and competitiveness in the bidding process.

Findings revealed that favoritism was reflected especially with regard to the technical supervision where it featured in approval of certificates. In addition, some service providers have been in the system for a long time to befriend public officers for favors in the process of procurement. These findings support Hyytinen *et al.* (2021) who observed that favoritism could come in a number of varieties. They argued that favoritism arises when each bidder is better informed about they own pricing of the services/goods that they offer and the pricing of the services/goods of other bidders. The results are also supported by Wagstad (2021) who argued that favoritism arises when there is an asymmetry of preference, that is, when a buyer prefers one of the bidders. In Laffont and Tirole (2020), the asymmetry of a buyer's preferences is the result of collusion between him/her and the bidder. The asymmetry of preferences can also occur endogenously, as is the case in Celentani and Ganuza (2021) due to the demand from buyer for favoritism and in the case of Dastidar and Jain (2023) because of the favoritism game.

The consequence of favoritism at Mbarara City Council as established in this study was that service providers lacking the capacity were awarded assignments thus affecting quality of services/products and leading to delayed public procurement performance. It was also established that sometimes due to favoritism, some advances were made and sometimes the projects were abandoned or were poorly accomplished and yet all the money had been paid. Hyytinen *et al.* (2021) support the findings of this study by arguing that favoritism is costly, and unlikely of the efficient form for public procurement performance. In addition, Szucs (2023) argued that since bidders selected for their family/friendship ties may not have relevant knowledge and job skills, they might not perform as well as suitably qualified bidders. Favoritism is one possible consequence of altruism (the

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belief in or practice of disinterested and selfless concern for the well-being of others). For instance Fama and Jensen (as cited in Ozler & Buyukarslan, 2020) argued that favoritism may reduce the agency problem.

This study found out that some service providers who had been in the procurement system of Mbarara City Council procurement for a long time became friends of City officers and this enabled them to get more procurement information compared to other bidders. The following is an explanation of the emergency of friendship between Mbarara City Council procurement and service providers (bidders) leading to procurement favoritism. McAfee and McMillan (cited in Hyytinen *et al.*, 2021) argued that a clear case of favoritism arises in the presence of asymmetry in preferences, that is, when a buyer prefers one of the bidders. In Laffont and Tirole (2020), the asymmetry of a buyer's preferences is the result of collusion with the bidder. Preference asymmetry can also occur endogenously, as explained by Celentani and Ganuza (2021) due to demand for bribes from the buyer and as explained by Dastidar and Jain (2023) because of the game of bribery. The game of bribery takes place after the bid request has been submitted and someone doctors it making in exchange for a bribe. Favoritism is more prevalent when there are internal and extra-group biases (Ozler & Buyukarslan, 2020). Favoritism in a group is a tendency to offer preferential treatment to people in one's own group. This may be a case where the Mbarara City Council procurement officer offers procurement opportunities to family members and relatives as indicated in the findings of this study. Otten and Wentura (2020) also found that favoritism within groups of common interest is stronger in comparison to that associated with members out these groups.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

This study revealed how favoritism undermines public procurement performance of Mbarara city. Favoritism in some cases resulted into awarding incompetent service providers public works, which they fail to deliver on time and with expected quality. It also results into price discriminatory practices which favor particular service providers in terms of low cost but when actual prices for materials are high, the service providers offer low quality services to be within the agreed price quotations. The study concluded therefore that favoritism had a strong negative influence on public procurement performance in Mbarara City council.

Recommendations

Mbarara City Council should strengthen or operationalize available measures to reduce favoritism in order to improve public procurement performance. These measures should include avoiding political influence in supporting and floating people with bid procurement including stopping public officers from leaking procurement information to friends/relatives, which can be achieved through more transparency and competition in the procurement process. This can be done by ensuring that procurement laws are adhered to.

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