

Procurement and Contract Management Policy



CREATING MEANINGFUL EXPERIENCES

FC&S, Procurement & Contract Management team

1 January 2025, V1.0, effective 15 April 2025

Introduction

This is our policy on procurement and contract Management, replacing the previous policy titled: 'Definitive Draft – NHTV Purchase Policy, version of April 2017', in which the threshold amounts were adjusted every two years in the form of an addendum.

The policy is adopted by the Executive Board (CvB). Finance, Control & Student Services (hereinafter: FC&S), which includes the Procurement & Contract Management team, is responsible for implementing, monitoring and updating the procurement and contract management policy.

At least every two years, when the European Commission announces the new European threshold amounts or when the BUAs strategy is changed, the policy is reviewed and adjusted where necessary.

Our procurement and contract management policy sets the framework, providing academies and services with as much flexibility as possible. The policy is designed to determine the ground rules for our collaboration. This policy is used to test which procedures and rules our staff must follow. In addition, this policy forms the basis for the annual audit conducted by the auditor.

Applicability

Our procurement and contract management policy applies to all procurement within the organisational units of *Stichting* Breda University of Applied Sciences (hereinafter: BUAs).

Procurement is defined as 'anything against which an external invoice is issued.' This broad definition means that the procurement of supplies, services, and works, both within the Netherlands and abroad, falls under this heading.

For questions about this policy, please contact the Procurement & Contract Management team via aanbesteden@buas.nl or contractmanagement@buas.nl.

Table of Contents

Introduction	1
Applicability	1
1 Objectives	3
1.1 Mission	3
1.2 Vision and Ambition	3
1.3 Objectives of procurement and contract management	3
2 Procurement and Contract Management team	4
2.1 Team Set-Up	4
2.1.1 Procurement and contract management model	4
2.1.2 Contract administration	5
2.1.3 Partnerships	5
2.1.4 Securing the I&CM Function	5
2.2 Purchase-to-pay	6
2.3 Key priorities	6
2.3.1 Socially responsible procurement	6
2.3.2 Regional and SMEs	7
2.3.3 Innovation	7
3 Determining the procurement procedure	8
3.1 Quotations and threshold amounts	8
3.1.1 Package Structure and Homogeneity	9
3.2 Procurement Conditions	9
3.3 Power of Derogation	9
4 Legal principles	10
4.1 Laws and Regulations	10
4.2 Authorisation scheme	10
4.3 Privacy	11
4.4 Complaints procedure	11
4.5 Integrity	11
4.6 Artificial Intelligence	12
Appendices	13
1. Glossary of terms	13
2. Procedure for handling complaints	15

1 Objectives

1.1 Mission

The general mission of BUAs is *'Empowering young professionals on their journey to shape a better world'*.

Based on this mission statement, we have formulated our procurement and contract management mission:
Together, we add value through smart procurement and good contract management, in order to be a professional and meaningful university of applied sciences.

1.2 Vision and Ambition

The general vision of BUAs is *'Educating for and in a continuously changing world'*.

Caring for each other and for the environment is also a shared value of our BUAs community. It reflects a sense of commitment, civic duty, responsibility, optimism, initiative and a desire to do more than just a job. By leveraging each other's strengths, combining them, involving our business partners and exploring and experimenting together, we shape BUAs+.

Creating Meaningful Experiences. With this pay-off, we are moving towards our 2030 ambition: to become more than a university of applied sciences, hence BUAs+.

Based on this vision statement, we have formulated our procurement and contract management vision:

A good procurement and contract management process supports responsible and efficient procurement, managing risks and ensuring continuity in education and operations.

1.3 Objectives of procurement and contract management

We aim to achieve the following objectives with procurement and contract management:

1. We want to comply with laws and regulations and be a conscientious, ethical, reliable and professional client. We offer entrepreneurs fair and equal opportunities based on objective and clear procurement processes;
2. Contracts are formed from a shared and supported vision and match our needs and objectives;
3. We pursue efficient and socially responsible procurement, thus achieving qualitative added value, at the best market price;
4. We apply a uniform and transparent working method, with the aim of more efficient operations that contribute to high-quality education;
5. We aim to reduce and control business and legal risks, such as entrepreneurial dependence and unlawfulness.

2 Procurement and Contract Management team

The Procurement and Contract Management team (hereinafter: I&CM) is a strategic partner for our organisation, working together on high-quality education. In the field of procurement and contract management, the focus is on the sustained improvement of procurement processes and the further professionalisation of contract management of existing and future agreements. Here, a clear position of the Procurement and Contract Management team within our organisation with corresponding responsibilities is important.

2.1 Team Set-Up

Team I&CM provides support to the organisation in procurement and contract management. In addition, contract administration is vested in the team. Positions within the team are: procurement advisors, contract managers, and contract administrator(s). Team I&CM facilitates and supports the contract owners and contract executives.

The above mainly takes the form of:

- Support in drafting vision and strategy;
- Advising at tactical and strategic level;
- Guidance on European tenders;
- Advising on and supporting other procurement and (private) tenders;
- Advice and support in the process from ordering to paying the invoice (purchase-to-pay, see section 2.2);
- Managing and (co-)implementing high-impact contracts;
- Advice and support on other contracts;
- Contract administration, inputting financial obligations into the purchase-to-pay system and monitoring;
- Conduct account talks with contract owners of all services and academies, focusing on improving the procurement and contract management function;
- Implementing and advising on the spend analysis;
- Reporting on and generating management information.

2.1.1 Procurement and contract management model

We have set up the procurement and contract management function according to a coordinated model. A coordinated model combines the advantages of central and decentralised functions and improves efficiency, economies of scale, and flexibility for services and academies. This model is based on central framework setting, advice, coordination and information provision (the HOW), while the actual needs assessment, operational procurement and contract execution take place at decentralised level (the WHAT). With the coordinated model, our departments retain a certain degree of independence and freedom of choice.

Procurement principles:

- Procurement advisors pool the needs and procurement volumes within BUAs and involve staff from the services and academies as actively as possible in procurement activities.
- Contract owners are ultimately responsible for all aspects within the procurement function (vision development, specifications, selection, contracting, implementation, ordering, monitoring and after-care). Procurement is the facilitator in this process.

- Procurement processes are proposed by the contract owners for inclusion in the procurement calendar.
- Support from the Procurement team in European tenders is obligatory for all services and academies.
- For all other procurement with a contract value of €10,000 or more, excluding VAT, the service or academy should request advice from Procurement. In consultation, it may also be decided to run a multiple private tender via Procurement.
- Operational procurement takes place at decentralised level via the Service Desk's ordering team and decentralised requesters. This gives the service or academy the freedom to decide for themselves what they purchase.
- When we conclude organisation-wide (framework) agreements, we are obliged by law and regulations to act and purchase within these concluded agreements.

Contract management principles:

- Contract management comprises all activities aimed at managing contractual agreements between client and contractor. Among other things, contract management focuses on performance management by securing agreements (monitoring Key Performance Indicators), making adjustments where necessary, and managing risks.
- Contract owners are ultimately responsible for all aspects of contract management. The contract owners coordinate this and the contract managers facilitate it.
- The stakeholder analysis is the basis for determining the high-impact contracts.
- High-impact contracts are centrally managed by contract managers. Other contracts are managed at decentralised level within the organisation.
- On request, Contract management can provide support and advice in managing medium and low impact contracts. Responsibility and initiative is decentralised to the services and academies.

2.1.2 Contract administration

Contract administration is the administrative process to record all agreements and process any changes during the term. Contract administration provides our staff with sufficient insight into current contracts and the correct contractual agreements and information. This administrative process is the basis of contract management. We use the contracts register in the purchase-to-pay system. All contracts that BUAs concludes with entrepreneurs are stored in it and contractual adjustments are also tracked. Contracts can be submitted via a [form](#) on the employee portal. Other queries can be sent to contractbeheer@buas.nl.

2.1.3 Partnerships

We have several external procurement partnerships, including with SURF, the Netherlands Association of Universities of Applied Sciences (Vereniging Hogescholen), and the Universities of Applied Sciences Procurement Platform (Hogescholen Inkoop Platform). We procure through a partnership when this matches internal needs. Furthermore, we routinely buy through SURF's Dynamic Purchasing System (Dutch abbreviation: DAS) for the relevant product category whenever it is available. Procurement through a DAS is done on a 'comply or explain' basis.

2.1.4 Securing the I&CM Function

Team I&CM is responsible for keeping all documents and procedures around procurement and contract management up to date. To this end, Team I&CM takes the following actions:

- Working in accordance with the Plan-Do-Check-Act cycle, to continuously improve relevant processes and templates;
- Working with legally tested templates as much as possible, which are reviewed regularly;

- The procurement calendar is compiled with input from the (interim) spend analysis, expiring agreements, and with input from contract owners. Once a year (from October to December), the new procurement processes for the following year are retrieved. Prioritisation of procurement processes is coordinated with the director of FC&S and the calendar is established by the Executive Board.
- Based on the newly concluded contracts, the high-impact contracts distribution of the contract managers is reviewed once a year and re-established in consultation with the director of FC&S. Input from stakeholders is re-collected every three years.
- At least once a year, Team I&CM conducts an account meeting with a director on expected procurement and review of current contracts.
- Twice a year, Team I&CM conducts a spend analysis to review and report on the lawfulness of expenditure.

2.2 Purchase-to-pay

Since March 2024, we have been using a purchase-to-pay system (currently Anchr, formerly AXI) to organise operational procurement. Besides the Service Desk, there are order requesters and order placers within each service and academy who can submit requests or orders through this system. The guiding principle is that all orders are placed in the system. For each order, the contractor receives a unique contract and/or purchase order number for inclusion on invoices.

Organising our ordering process has the following objectives:

- An unambiguous ordering process that is as simple as possible.
- The conclusive recording of (contract) requests, contract awards, approvals and release of payments. This provides:
 - o Greater control over the entire procurement process.
 - o Grip on budgets and expenditure by approving orders instead of invoices (predictability of expected expenditure).
 - o Increased efficiency and accuracy of the procurement-to-payment process by minimising manual tasks and reducing risks of errors.
- More targeted information to contract owners through insight into contracts, budgets and invoices.
- Lawful spending of financial resources, based on laws and regulations and contract agreements.

2.3 Key priorities

Team I&CM aligns with the various developments arising from the BUAs multiannual strategy. This gives direction to the procurement and contract management policy.

2.3.1 Socially responsible procurement

In any procurement, we align with BUAs' sustainability ambitions. We refer to sustainability in the broadest sense of the word, focusing on six societal themes: climate, circular economy, chain responsibility, diversity & inclusion, social return, and environment & biodiversity. Each theme has its own level of ambition and targets.

Team I&CM aligns with this as follows:

- A market survey is always carried out to find the most sustainable option or alternative offered in the market.
- In the project plan (in the case of European tenders), the considerations relating to socially responsible procurement are laid down.

- In European and multiple private tenders, the tender documents (such as the programme of requirements or the suitability requirements) outline how a contribution can be made to the sustainability ambition.
- In the area of social return, consideration is always given to whether or not this subject is included in the procurement of services.
- BUAs takes chain responsibility into account, emphasising societal and environmental aspects.
- Contract management monitors the Key Performance Indicators and other agreements relating to sustainability established during the contract term.
- Due to the signing of the Sustainable Procurement Manifesto, an action plan is established annually.
- Section 2.82 of the Dutch Public Procurement Act 2012 (*Aanbestedingswet 2012*) allows us to restrict tenders to sheltered workshops and entrepreneurs whose primary goal is the social and professional integration of disabled or disadvantaged individuals. This means that only companies meeting these criteria are eligible to tender for certain projects.

2.3.2 Regional and SMEs

We want to give regional (SME) entrepreneurs an opportunity to supply goods, services or works to BUAs.

Where this has advantages, we will design the procurement process so that:

- Regional entrepreneurs can meet the sustainability requirements imposed on companies.
- Regional entrepreneurs can meet the requirements and wishes set for supplies and services.
- In multiple private tenders, regional entrepreneurs are invited if possible. This is determined on the basis of market research.

In one-to-one procurement, regional entrepreneurs are actively considered.

2.3.3 Innovation

Wherever possible, we harness the knowledge and innovative power available in the market by including this consideration early in the procurement process. In contract management, the topic of innovation is a regular part of the strategic consultations.

3 Determining the procurement procedure

3.1 Quotations and threshold amounts

We use threshold amounts for determining the procurement procedure. To determine the value of a contract, the contract value excluding VAT should be taken as a starting point. For multiannual contracts, the total contract value is the sum of the annual contract values, including any option years. If the number of years is still unknown or if it concerns a recurring contract, a period of four years is used for calculation.

We work with three type of procurement procedures:

- Single private tenders
- Multiple private tenders
- European tenders

PLEASE NOTE: For all procurement with a contract value of €10,000 or more, excluding VAT, the service or academy concerned should request advice from Procurement.

Procurement procedure	Contract value (excluding VAT, amount per 4 years)			Comments
	Services & supplies	Works	Social and Other Specific Services (Dutch abbreviation: SAS)	
Single private tender	< €60,000	< €150,000	< €150,000	<ul style="list-style-type: none"> • Contract may be awarded based on 1 quotation • Negotiation is possible
Multiple private tender *	> €60,000 and < European threshold amount	> €150,000 and < European threshold amount	> €150,000 and < European threshold amount **	<ul style="list-style-type: none"> • Procurement advisor establishes the procedure, and provides advice and support where needed • Minimum of 3 and maximum of 5 quotations are to be requested
European tender	> €216,000 European threshold amount 2026-2027	> €5,404,000 European threshold amount 2026-2027	> €750,000 European threshold amount 2026-2027	<ul style="list-style-type: none"> • Procurement advisor must be engaged • All communication prior to and during a tender with market participants must go through the Procurement advisor

* In the case of a high cross-border interest (the likelihood of a foreign party being interested), it may be advised to follow a national procedure.

** For Social and other Specific Services, any simplified procedure below the European threshold will be determined by mutual agreement.

3.1.1 Package Structure and Homogeneity

We have categorised the total expenditures into procurement packages. The Dutch Public Procurement Act stipulates that logically related (homogeneous) expenses must be aggregated to follow the correct tendering procedure. Homogeneous supplies and services should initially be tendered simultaneously, through a single public contract. The procurement package list is a tool for determining whether supplies, services and works contain a high or low degree of homogeneity (equality).

3.2 Procurement Conditions

The General Procurement Conditions aim to increase cooperation, uniformity and professionalism and to prevent and limit risks for the organisation.

The BUAs [General Purchase Conditions](#) apply to all agreements and purchase orders to be issued. Different conditions will not be accepted.

For procurement where industry-standard general purchasing conditions are appropriate and more applicable, it may be decided by Team Legal and/or Team Procurement to agree to their applicability.

3.3 Power of Derogation

Derogation from this procurement and contract management policy is possible and permitted only with a well-reasoned decision and if it is permitted under laws and regulations.

- Derogation below the European threshold is possible only with the agreement of the director of FC&S and after advice from Team Procurement. The contract owner submits this request.
- Derogation above the European threshold is possible only with the agreement of the Executive Board and after advice from the director of FC&S and Team Procurement. If required, legal advice is sought in consultation with Team Legal. The contract owner submits this request.
- Derogation from the General Purchase Conditions as applied by BUAs is possible only with the agreement of Team Legal and/or Team Procurement.

4 Legal principles

As a contracting authority, we are bound by various regulations. The legal frameworks are described below.

4.1 Laws and Regulations

Legally compliant Procurement requires us to comply with applicable laws and regulations in all procurement processes. These are as follows:

- *Burgerlijk Wetboek* (Dutch Civil Code), the legal framework for contracts;
- *Algemene Wet bestuursrecht* (Dutch General Administrative Law Act): general principles of good governance and administrative law principles;
- Directive 2014/24/EU on public Procurement;
- Amended *Aanbestedingswet 2012* (Dutch Public Procurement Act 2012), which entered into effect on 1 July 2016, including the accompanying *Aanbestedingsbesluit* (Dutch Public Procurement Decree);
- [*Gids Proportionaliteit*](#) (Dutch Proportionality Guide) accompanying the *Aanbestedingsbesluit*;
- *Aanbestedingsreglement Werken 2016* (Dutch Works Procurement Regulations 2016);
- BUas procurement and contract management policy.

In addition, the most recent OCW/EZ education audit protocol applies. This protocol is established annually.

We comply with the following general principles of Procurement law in all our procurement:

- Equal treatment
- Non-discrimination
- Transparency
- Proportionality

4.2 Authorisation scheme

Procurement takes place on the basis of our applicable authorisation scheme. We are only bound by commitments and obligations on the basis of legally valid decision-making and civil law representation.

In line with our authorisation scheme, responsibility for the professional execution of the (tactical) procurement processes within BUas is unambiguously assigned to the director of FC&S.

Authorisation to conclude procurement contracts is as follows:

- Team leaders and MT members are authorised to sign procurement contracts with a maximum contract value of €2,500 excluding VAT.
- Directors are authorised to sign procurement contracts with a maximum contract value of €50,000 excluding VAT.
- Procurement contracts above this value must be signed by at least one member of the Executive Board (*CvB*).

As for cooperation agreements, only the Executive Board (*CvB*) is authorised to sign these.

4.3 Privacy

Under the General Data Protection Regulation (hereinafter: GDPR), we are data controllers responsible for many data processing activities, including personal data. We must ensure that the processor (the entrepreneur) takes measures to protect personal data.

According to the GDPR and the [BUas Privacy Policy](#), this is done by recording a number of things – including the (necessary) measures – in a written processing agreement. Such an agreement contains a further description of the data processing activities, instructions for processing, confidentiality obligations, security measures, and the interaction with subprocessors, privacy rights, and data breaches.

The contract owner is responsible for the timely conclusion of such a processing agreement, for submitting this agreement for inclusion in the contracts register, and for monitoring compliance with this agreement. If required, the contract owner can seek advice from Team Legal, the Data Protection Officer via FG@buas.nl.

The Data Protection Officer is process owner of this issue. Team I&CM supports the contract owner with the following:

- Providing a processing agreement template
- Storing the processing agreement in the contracts register
- Setting up alerts in the contracts register so that the contract owner receives alert emails

In situations where a data processing agreement must be established, the standard data processing agreement template will be used. Adjustments to this template or the use of a different format, at the request of the entrepreneur, are only possible after mandatory consultation with the Data Protection Officer. The privacy portfolio holder of the Executive Board (*CvB*) is authorised to sign data processing agreements.

4.4 Complaints procedure

We have a complaints procedure to implement complaints handling in procurement as part of the Dutch Public Procurement Act 2012. The full complaints procedure is attached as Appendix 2.

The complaints procedure includes the establishment of a complaints reporting service and a complaints procedure. On this basis, complaints from entrepreneurs about specific tenders are handled. Misunderstandings, errors, and unjustified requirements in the tender can thus be assessed and resolved in an independent and expert manner.

The complaints procedure is included in the tender document of every European, national and multiple private tender.

4.5 Integrity

Every board member/director/manager or employee involved in procurement and tendering will act with integrity, as set out in the [BUas Code of Conduct](#). Employees will pursue the interests of BUas and this policy, without allowing personal interests and relationships to play a role. This also applies to the independent choice of entrepreneurs invited in private tenders. This avoids conflicts of interest.

The Code of Conduct is the 'umbrella' of the applicable standards and values. Further details can be found in the [Internal Regulations](#).

These regulations specify that the following conduct by our employees is not permitted:

- The acceptance or offering of gifts, services and/or favours, which compromise the recipient's independence or freedom. This includes invitations to trips, events, performances, competitions, etc.;
- The acceptance of money, cheques, expense allowances (for travel, accommodation, food and drink, among other things) or discount schemes;
- The performance of ancillary activities that conflict with BUAs' interests and (strategic) ambitions and which demonstrably harm the institute.

Granting favours to business contacts and associates in any way and allowing yourself to be rewarded or favoured in return is not allowed. You should also avoid the appearance of bribery. For this reason, it has been laid down that gifts may not be accepted from others in relation to work. You must ask your manager for permission in advance. The background of the offer is decisive here. Do not accept expensive gifts. As a guideline, no gifts above €50. Sponsoring can also have undesirable effects and cause conflicts of interest. All BUAs staff are expected to deal with this consciously and transparently.

4.6 Artificial Intelligence

For the use of Artificial Intelligence (AI) within BUAs, including in procurement and contract management processes, please refer to the [AI Ethics Policy](#).

Appendices

1. Glossary of terms

In this procurement and contract management policy, the following terms are understood to mean:

Tendering: Tendering is a type of market approach in which the client, after a competitive process, awards a contract. In a tender, the various stages of a procurement process are completed in a structured manner.

Contract/agreement: Legal, signed document between two or more parties to which rights and obligations are attached.

Contract Manager: The contract manager is part of Team I&CM and contract manager of the high-impact contracts. In addition, the contract manager advises and supports on other contracts within BUAs. The contract manager also advises at tactical and strategic level on contract management in general within BUAs.

Contract administrator: The contract administrator is part of team I&CM and provides the internal organisation with sufficient insight into current contracts and the correct contractual agreements and information. In addition to monitoring, the contract administrator is also administratively responsible for the central registration and amendment of contracts in the purchase-to-pay system. The contract administrator works in support of the contract managers.

Contract executive: The first point of contact for supplier and contract users. Operational and tactical first escalation point.

Contract file: This document records the formation of a contract, including a tendering strategy, request for quotation, quotations received, quotation evaluations, rejection and award letters, and the finalised contract. It may also include a letter of intent, addendum, or appendices to an agreement, and so on.

Contract owner: The director who is ultimately responsible for the contract. The contract owner is responsible for the outcome, as they are responsible (in most cases) for the business process to which the contract is linked. The contract owner monitors the process, delegates contract tasks and serves as the strategic escalation level.

Delegated contract owner: The delegated contract owner is responsible for the pragmatic and efficient implementation, management (for medium and low impact contracts) and coordination of a contract at tactical and strategic level and thus plays an active role in the contract and supplier management process. At this level, the delegated contract owner is the supplier's first tactical point of contact (except for operational matters), implements improvements in the process and, if necessary, coordinates escalations to the contract owner. The delegated contract owner engages expertise from other teams if necessary, including that of the contract manager and assigns operational tasks to the contract executive.

Services: All forms of service provision as referred to in article 1.1 of the Dutch Public Procurement Act.

Dynamic purchasing system: A dynamic purchasing system (Dutch abbreviation: DAS) is a specific, electronic process within European tenders. Within a DAS, contracts are periodically issued that various parties can respond to.

High-impact contracts: Contracts with both a major financial impact and a major organisational impact on BUAs' education/business operations.

Procurement advisor: The procurement advisor is part of team I&CM and is the process supervisor of (European or complex multiple private) tenders within BUAs. The procurement advisor involves expertise from other teams in the completion of tenders. In addition, the procurement advisor advises and supports on other BUAs procurement activities. The procurement advisor also advises at tactical and strategic level on procurement in general within BUAs.

Procurement calendar: An overview of tenders to be carried out during a given period. The procurement calendar is updated quarterly.

Procurement: (Legal) acts of BUAs aimed at acquiring works, supplies or services and which result in one or more invoices from an entrepreneur relating to said works, supplies or services.

Key performance indicators: KPIs are variables used to analyse the performance of a company, brand or product. They are used to objectively measure the success of an organisation in general, or gauge the success of a particular action or campaign. KPIs make progress measurable and concrete.

Supplies: The purchase, lease, rental or hire-purchase of products as referred to in article 1.1 of the Dutch Public Procurement Act.

Socially responsible procurement: Socially responsible Procurement means considering environmental and social impacts in addition to costs and quality of products and services.

Quotation: A proposal within the meaning of the Dutch Civil Code.

Request for quotation: A single or multiple request from BUAs for services to be provided or a (European) tender in accordance with the Dutch Public Procurement Act and the European Procurement directives.

Entrepreneur: A contractor, counterparty, supplier, or a service provider.

Operational procurement: Focuses on the administrative process, all activities associated with the execution of the ordering function.

Social and other specific services: As referred to in articles 2.38 and 2.39 of the Dutch Public Procurement Act 2012. A simplified procedure applies to what are called 'social and other specific services', given the limited cross-border dimension of these services. Examples include services in the field of education, healthcare, social services, administrative services for education, and some legal services.

Strategic partner: A strategic partner is one that seeks intensive and long-term cooperation with two or more parties to jointly achieve long-term goals.

Tactical procurement: Focuses on specifying and selecting entrepreneurs and on contracting. Managing and reviewing entrepreneurial relationships are also an important part of tactical procurement.

Works: An activity of a constructional or civil engineering nature, intended to fulfil an economic or technical function, such as the construction of a school. Activities that are an integral part of a construction contract - such as installation work - are also considered works as referred to in article 1.1 of the Dutch Public Procurement Act.

2. Procedure for handling complaints

See annex attached separately.



Games



Leisure & Events



Tourism



Media



Data Science & AI



Hotel



Logistics



Built Environment



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CREATING MEANINGFUL EXPERIENCES