



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

File Number: 5/1/3/

SUBJECT: REQUEST TO APPROVE THE PROCUREMENT OF SUPPORT AND MAINTENANCE SERVICES OF BIOMETRIC EMCS HARDWARE AND SOFTWARE THROUGH DEVIATION.

D: APPLICATION MAINTENANCE AND SUPPORT

1. The Bid Adjudication Committee resolved in its virtual meeting held on 24 March 2021:
 - To support the procurement of support and maintenance services of biometric EMCS hardware and software through deviation.
2. For your further action and attention. For any further enquiries please contact the secretariat, Lunga Njwabule at 012 406 4027 / lunganjwabule@dha.gov.za.

MR. G HOLLAMBY

CHAIRPERSON: BID ADJUDICATION COMMITTEE

DATE: 26/3/2021



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

SECURITY CLASSIFICATION		PRIORITY	
None		Standard	
Confidential	x	High	
Secret		Very High	x
Top Secret			

SUBMISSION

ENQUIRIES:

Name:	Rose Maluleka
Designation:	Director
Unit:	Application Maintenance and Support
Contact Numbers:	
Tel:	012 406 2553
Fax:	

File Number:

**SUBJECT: REQUEST TO APPROVE THE PROCUREMENT OF SUPPORT AND MAINTENANCE SERVICES
OF BIOMETRIC EMCS HARDWARE AND SOFTWARE THROUGH DEVIATION**

**RECIPIENT(S): DIRECTOR GENERAL
BID ADJUDICATION COMMITTEE**

PURPOSE/AIM

1. To request the Bid Adjudication Committee (hereinafter referred to as "the BAC") to recommend the approval of the request "to approve a deviation request to procure biometric eMCS Annual Support and Maintenance services for hardware and Software deployed at Ports of Entry.

**SUBJECT: REQUEST TO APPROVE THE PROCUREMENT OF SUPPORT AND MAINTENANCE SERVICES
OF BIOMETRIC EMCS HARDWARE AND SOFTWARE THROUGH DEVIATION**

BACKGROUND AND DISCUSSION

2. During the financial year 2015-16, the department procured the hardware and software for a biometric programme implemented fully at the four primary international airports, namely OR Tambo International (ORTIA), Lanseria, Cape Town International Airport (CTIA) and King Shaka International Airport (KSIA). The programme was further implemented in 6 land ports of entry Lebombo, Beit Bridge, Ficksburg, Oshoek, Maseru and Kopfontein via deviation as a response to the Inter Ministerial Committee (IMC) on immigration regulations.
3. These biometric hardware and software: Bio Security for eMCS, were procured from Lawtrust and came with support and maintenance of 12 months. The solution was procured from Lawtrust through the Modernisation project that the Department is implementing in collaboration with SARS and replicates the transactions at all ports where the solution is commissioned.
4. The solution provides biometric extracting, matching and encryption components to eMCS for travellers. The Bio Security keys to decrypt the biometric images is stored on the Hardware Security Module, together with the software and firmware are used to capture and compare fingerprints during processing of travellers.
5. In 2017-18 a deviation request to procure Biometric eMCS annual support and maintenance of Hardware and Software for a period not exceeding two (2) years was granted by the BAC (see **Annexure A**). The approval was granted on the basis that within this period the BMCS shall have been commissioned. The commissioning of BMCS did not happen as planned due to resource constraints within SARS and its technical partners.
6. These Bio Security keys to decrypt makes it impossible for any service provider to take over the support and maintenance of the software and hardware since they are Lawtrust IP which cannot be ceded to any service provider. It should be noted that eMCS Biometrics (Bio Security) is a temporary solution to respond to the unintended consequence experience experienced when visa and travel regulations were changed.
7. The permanent solution is part of DHA Modernisation Programme, which is now piloted at the four (4) ports with limited computers, i.e. OR Tambo International (ORTIA), Lanseria, Cape Town International Airport (CTIA) and King Shaka International Airport (KSIA). This makes it difficult to go out on tender or test the market for the replacement of eMCS Biometric (Bio Security) and also, LawTrust is the sole provider of the solution, (**see Annexure B**). It is envisaged that the rollout of the Modernized BMCS will be rolled to 23 ports by end of March 2022, according to APP targets.

SUBJECT: REQUEST TO APPROVE THE PROCUREMENT OF SUPPORT AND MAINTENANCE SERVICES OF BIOMETRIC EMCS HARDWARE AND SOFTWARE THROUGH DEVIATION
--

8. During this period the Biometric eMCS solution will be operational at the mentioned ports, thus requires that support and maintenance services be procured. This will ensure that when replacement of hardware or upgrade of the software is required, Lawtrust will be readily available.

POLICY FRAMEWORK AND IMPLICATIONS

9. The request is in compliance to the Departmental Procurement Policy and Financial Delegations issued in terms thereof.

LEGISLATIVE/REGULATORY FRAMEWORK AND IMPLICATIONS

10. The request complies with the PFMA and Treasury Regulations.

GENDER FRAMEWORK AND IMPLICATIONS

11. Not applicable

FINANCIAL FRAMEWORK AND IMPLICATIONS

12. The cost of support and maintenance of the eMCS Biometric (Bio Security) solution is R498 483.69 for the software and R197 714,21 for the hardware, inclusive of VAT respectively for the financial year 2021/22, (see **Annexure C**). the funding will be sourced from Modernisation (WAIO) Budget.

SUPPLY CHAIN MANAGEMENT FRAMEWORK AND IMPLICATIONS

13. Not applicable.

RISK MANAGEMENT FRAMEWORK AND IMPLICATIONS

14. If the support and maintenance of eMCS Biometric (Bio Security) services via a deviation is not approved, then ten(10) ports running the solution, which contribute 80% of movement statistics will not be supported and this has security concern since the solution is used for capturing of travelers fingerprint and verification.

**SUBJECT: REQUEST TO APPROVE THE PROCUREMENT OF SUPPORT AND MAINTENANCE SERVICES
OF BIOMETRIC EMCS HARDWARE AND SOFTWARE THROUGH DEVIATION**

RECOMMENDATION(S)

15. It is recommended that the BAC, recommend the approval of the request "to approve a deviation request to procure biometric eMCS Annual Support and Maintenance services for hardware and Software deployed at Ports of Entry" for the financial year 2021/22.

SIGNATURE:



THULANI MAVUSO

ACTING DEPUTY DIRECTOR GENERAL: INFORMATION SERVICES

DATE: 23/3/2021

Recommendation in paragraph 15 supra supported/ or not supported

as per BAC resolution



SIGNATURE:

GORDON HOLLAMBY

CHAIRPERSON: BID ADJUDICATION COMMITTEE

DATE: 26/3/2021

Recommendation in paragraph 15 supra ~~approved/not approved~~

SIGNATURE



MR L.T. MAKHODE

DIRECTOR GENERAL

DATE:

12 April 2021.

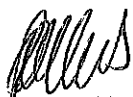
DEPARTMENT OF HOME AFFAIRS
PRIVATE BAG X114 PRETORIA 0001
2021 -04- 09
RSA
DIRECTOR-GENERAL'S SECRETARIAT (0)

**SUBJECT: REQUEST TO APPROVE THE PROCUREMENT OF SUPPORT AND MAINTENANCE SERVICES
OF BIOMETRIC EMCS HARDWARE AND SOFTWARE THROUGH DEVIATION**

ROUTE LIST

RECOMMENDATIONS

15. It is recommended that the BAC, recommend the approval of the request "to approve a deviation request to procure biometric eMCS Annual Support and Maintenance services for hardware and Software deployed at Ports of Entry" for the financial year 2021/22.



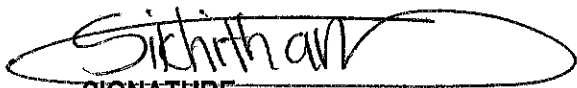
SIGNATURE

ROSE MALULEKA

DIRECTOR: APPLICATION MAINTENANCE AND SUPPORT

DATE: 23/03/2021

Recommendation in paragraph 15 supra supported/not supported



SIGNATURE

MULALO SIKHITHA

DIRECTOR: IS FINANCE

DATE: 23.03.2021

Recommendation in paragraph 15 supra supported/not supported

SIGNATURE

SIMPHIWE HLOPHE

CHIEF DIRECTOR: INFRASTRUCTURE MANAGEMENT

DATE:

**SUBJECT: REQUEST TO APPROVE THE PROCUREMENT OF SUPPORT AND MAINTENANCE SERVICES
OF BIOMETRIC EMCS HARDWARE AND SOFTWARE THROUGH DEVIATION**

ROUTE LIST

RECOMMENDATIONS

15. It is recommended that the BAC, recommend the approval of the request "to approve a deviation request to procure biometric eMCS Annual Support and Maintenance services for hardware and Software deployed at Ports of Entry" for the financial year 2021/22.

SIGNATURE

MS ROSE MALULEKA

DIRECTOR: APPLICATION MAINTENANCE AND SUPPORT

DATE:

Recommendation in paragraph 15 supra supported/not supported

SIGNATURE

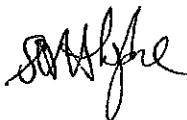
MS MULALO SIKHITHA

DIRECTOR: IS FINANCE

DATE:

Recommendation in paragraph 15 supra supported/~~not supported~~

SIGNATURE



MR SIMPHIWE F. HLOPHE

CHIEF DIRECTOR: INFRASTRUCTURE MANAGEMENT

DATE: 23/03/2021

**SUBJECT: REQUEST TO APPROVE THE PROCUREMENT OF SUPPORT AND MAINTENANCE SERVICES
OF BIOMETRIC EMCS HARDWARE AND SOFTWARE THROUGH DEVIATION**

RECOMMENDATIONS

15. It is recommended that the BAC, recommend the approval of the request "to approve a deviation request to procure biometric eMCS Annual Support and Maintenance services for hardware and Software deployed at Ports of Entry" for the financial year 2021/22.

Recommendation in paragraph 15 supra supported/~~not supported~~

SIGNATURE: 

ADV. TSIETSI SEBELEMETJA

ACTING CHIEF DIRECTOR: LEGAL SERVICES

DATE: 2021/04/07

Recommendation in paragraph 15 supra supported/not supported

SIGNATURE: 

THANDEKA NGCOBO

CHIEF DIRECTOR: SUPPLY CHAIN MANAGEMENT

DATE: 24/03/2021



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

Answer A

File Number:

**SUBJECT: REQUEST APPROVAL THROUGH DEVIATION OF SUPPORT AND MAINTENANCE FOR
HARDWARE AND SOFTWARE FOR eMCS FOR A PERIOD NOT EXCEEDING TWO (2) YEARS**

ACTING DDG: INFORMATION SERVICES

ACTING CD: APPLICATION MANAGEMENT

1. The Bid Adjudication Committee resolved in its meeting held on 08 November 2017:
 - To approve the deviation request to procure eMCS annual support and maintenance for Software and Hardware for a period not exceeding two (2) years.
2. For your further action and attention. For any further enquiries please contact the secretariat, Ms R. Prinsloo at (012) 406 2785 or rita.prinsloo@dha.gov.za.

MR. G HOLLAMBY

CHAIRPERSON: BID ADJUDICATION COMMITTEE

DATE: 8/11/2017



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

SECURITY CLASSIFICATION		PRIORITY	
None	x	Standard	
Confidential		High	
Secret		Very High	x
Top Secret			

SUBMISSION

ENQUIRIES:

Name:	Xolisa Someleze Xhamela Mpono
Designation:	Deputy Director: IT Contracts
Unit:	IT Service Management
Contact Numbers: Tel: Fax:	(012) 406 2761

File Number:

SUBJECT: REQUEST TO APPROVE THE PROCUREMENT THROUGH DEVIATION OF SUPPORT AND MAINTENANCE FOR HARDWARE AND SOFTWARE FOR eMCS FOR A PERIOD NOT EXCEEDING TWO YEARS.

**RECIPIENT: DIRECTOR-GENERAL
BID ADJUDICATION COMMITTEE**

PURPOSE/AIM

1. To request the Bid Adjudication Committee (hereinafter referred to as "the BAC") to recommend the approval of the request to approve a deviation request to procure eMCS Annual Support and Maintenance for Hardware and Software deployed at Ports of Entry.

SUBJECT: REQUEST TO APPROVE THE PROCUREMENT THROUGH DEVIATION OF SUPPORT AND MAINTENANCE FOR HARDWARE AND SOFTWARE FOR eMCS FOR A PERIOD NOT EXCEEDING TWO YEARS.

BACKGROUND AND DISCUSSION

2. The software and hardware were both procured via deviation and such approval was granted in the 2015-16 Financial Year (See Annexure A).
3. In compliance with clauses 8.3 and 8.5 of Instruction Note 03 of 2016/17 which state "*Sole source procurement may occur when there is evidence that only one supplier possesses the unique and singularly available capacity to meet the requirements of the institution*" and "*any other deviation will be allowed in exceptional cases subject to the prior written approval from the relevant Treasury*", respectively (See Annexure B).
4. The equipment was procured from Lawtrust and they configured the Bio Security for eMCS: Extension of NID KMS to include biometrics security for eMCS and this request serves to satisfy the support and maintenance portion of the machine and system workings (See Annexure A).
5. It should be noted that since the originating service was not merely a Procure-To-Pay (P2P) transaction, but was the provision of a solution that has these components that require support and maintenance. Thus the request to deviate from the dictates of Practice Note 08 of 2007/2008 titled: Threshold Values for the procurement of goods, works and services by means of petty cash, verbal/written price quotations or competitive bids, annexed hereto as Annexure C.
6. The eMCS Biometrics project was led by SARS as the developer of the risk engine running at the Ports of Entry.
7. LAWtrust provided biometric extracting, matching and encryption components to SARS for this DHA project and they were built into the solution. The keys to decrypt the biometric images need to be stored on Hardware Security Modules (HSMs). The software and firmware maintenance amount is for all the solution components provided.

POLICY FRAMEWORK AND IMPLICATIONS

8. General Conditions of Contract as issued and augmented by National Treasury from time to time.

LEGISLATIVE/REGULATORY FRAMEWORK AND IMPLICATIONS

9. The Public Finance Management Act and National Treasury issued Practice Notes and the General Conditions of Contract as amended from time to time.

GENDER FRAMEWORK AND IMPLICATIONS

10. Not applicable.

SUBJECT: REQUEST TO APPROVE THE PROCUREMENT THROUGH DEVIATION OF SUPPORT AND MAINTENANCE FOR HARDWARE AND SOFTWARE FOR eMCS FOR A PERIOD NOT EXCEEDING TWO YEARS.

FINANCIAL FRAMEWORK AND IMPLICATIONS

11. The annual cost for the Hardware Support is R 268 400.00 and for Software the total cost for the first year is R 598 307.07. It is anticipated that the cost might increase in the second year, but engagement and negotiation with the service provider will be undertaken to maximise the benefit to cost analysis (See Annexure D1 and D2).

SUPPLY CHAIN MANAGEMENT FRAMEWORK AND IMPLICATIONS

12. The Departmental Supply Chain Management Policy and compliance thereto.

RISK MANAGEMENT FRAMEWORK AND IMPLICATIONS

13. The inherent risk of non-delivery and payment of services that have not been rendered. Said risks have been included in the Branch Risk Register.

RECOMMENDATIONS

14. It is recommended that:
- 14.1 The BAC support the request to procure software and hardware support renewal through deviation for a period not exceeding two years.
- 14.2. That the Director General approve the request as recommended by the Bid Adjudication Committee.

Decisions and Signatures

SIGNATURE:



THULANI MAVUSO

ACTING DEPUTY DIRECTOR GENERAL: INFORMATION SERVICES

DATE: 26/10/2017

SUBJECT: REQUEST TO APPROVE THE PROCUREMENT THROUGH DEVIATION OF SUPPORT AND MAINTENANCE FOR HARDWARE AND SOFTWARE FOR eMCS FOR A PERIOD NOT EXCEEDING TWO YEARS.

RECOMMENDATIONS

14. It is recommended that:

14.1 The BAC support the request to procure software and hardware support renewal through deviation for a period not exceeding two years.

14.2. That the Director General approve the request as recommended by the Bid Adjudication Committee.

and 14.2 as per Delegations
Recommendation in paragraph 14.1, approved/not approved 14.2 supported / not supported

SIGNATURE:

Gordon Hollamby
GORDON HOLLAMBY

CHAIRPERSON OF THE BID ADJUDICATION COMMITTEE

DATE: 8/11/2017

Recommendation in paragraph 14.2 approved / not approved

SIGNATURE:

MKUSELI APLENI

DIRECTOR GENERAL

DATE:

SUBJECT: REQUEST TO APPROVE THE PROCUREMENT THROUGH DEVIATION OF SUPPORT AND MAINTENANCE FOR HARDWARE AND SOFTWARE FOR eMCS FOR A PERIOD NOT EXCEEDING TWO YEARS.

Route list

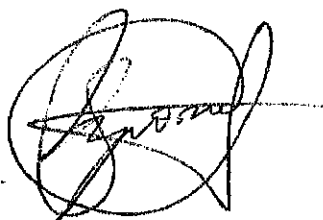
RECOMMENDATIONS

14. It is recommended that:

14.1 The BAC support the request to procure software and hardware support renewal through deviation for a period not exceeding two years.

14.2. That the Director General approve the request as recommended by the Bid Adjudication Committee.

SIGNATURE:



XOLISA SOMELEZE XHAMELA MPONO

DEPUTY DIRECTOR: IT CONTRACTS

DATE: 26/10/2017

Recommendation in paragraph 14.1 & 14.2 supported / not supported

SIGNATURE:

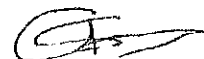
LEOTO KGOPA

ACTING- CHIEF DIRECTOR: APPLICATIONS MANAGEMENT

DATE:

Recommendation in paragraph 14.1 & 14.2 supported / not supported

SIGNATURE:



GRACE SEKHU

DIRECTOR: SPECIAL INITIATIVES UNIT (PMO)

DATE: 26/10/2017

SUBJECT: REQUEST TO APPROVE THE PROCUREMENT THROUGH DEVIATION OF SUPPORT AND MAINTENANCE FOR HARDWARE AND SOFTWARE FOR eMCS FOR A PERIOD NOT EXCEEDING TWO YEARS.

Route list

RECOMMENDATIONS

15. It is recommended that:

14.1 The BAC support the request to procure software and hardware support renewal through deviation for a period not exceeding two years.

14.2. That the Director General approve the request as recommended by the Bid Adjudication Committee.

Recommendation in paragraph 14.1 & 14.2 supported / not supported

SIGNATURE:

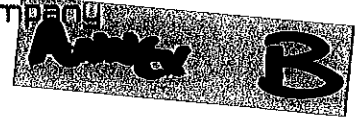


THANDEKA NGCOBO

CHIEF DIRECTOR: SUPPLY CHAIN MANAGEMENT

DATE: 27/10/2017

- ① Business unit to clearly indicate time frames
- ② Business to indicate the plan beyond 2 years.



17 July 2019

Department of Home Affairs
Johan Ramokhoase Street
PRETORIA
0002

For Attention: Mr Leoto Kgopa

By email: leoto.kgopa@dha.gov.za

Dear Mr Kgopa

SOLE PROVIDER STATUS FOR THE eMCS Solution

This letter serves to confirm that LAWtrust is the sole provider of the eMCS solution that is used at the port of entries (PoE) for biometric capturing of travellers. This is a bespoke (i.e. LAWtrust Developed) application consisting of the following components:

- Hardware Security Module used for encryption
- MCS API (Software)
 - Used to covert the scanned fingerprints to WSQ format and template extraction
 - Encryption of the WSQ images
- LAWtrust Risk Engine API (Software) for template matching and algorithm for providing a score based on the matcher

LAWtrust is therefore the only entity that can provide support and maintenance of the solution as it has been specifically developed for DHA for this purpose.

Sincerely

Mr K. Hlabathi
LAWTrust Chief Information Officer

QUOTATION

Lawtrust an
Information security solutions **ETION**
company

Customer: Department of Home Affairs
Attention: Rose Maluleka
Prepared By: Ntokozo Mbata

Quotation No: 11032021-01
Date: 11 March 2021

Description	Qty	Value per unit ZAR	Value ZAR
POE Biometric Security Software components - All ports of entry	1	R 320 222,51	R 320 222,51
Central Bio Security KMS and reporting	1	R 113 241,57	R 113 241,57
			R -
TOTAL ex VAT			R 433 464,08
VAT: 15%			R 65 019,61
TOTAL			R 498 483,69

This quotation is valid for 30 days from the date of this quotation.
Errors and omissions are excluded.
By accepting this quote you agree to our Standard Terms & Conditions.
ROE applied is R15,50=\$1 and 18,64=€1.

Name

Designation

Signature

Date

Bank Details

LAW Trusted Third Party Services (Pty) Ltd
Nedbank
Acc. no: 1198876263
Branch: 198765

t +27 12 676 9240 f +27 12 565 3997
e info@lawtrust.co.za w www.lawtrust.co.za
a Building C Cambridge Park, 5 Bauhinia Street, Highveld Techno Park Centurion 0157
p Postnet Suite 412, Private Bag X111, Centurion, 0046
d Elvin de Kock, Christl Maherry (Executive)
Company Secretary Rian Scheeman
LAW TRUSTED THIRD PARTY SERVICES (PTY) LTD • Registration Number 2001/004396/07

QUOTATION

Lawtrust an **ETION**
Information security solutions company

Customer: Department of Home Affairs

Quotation No: 11032021-01

Attention: Rose Maluleka

Date: 11 March 2021

Prepared By: Ntokozo Mbata

Description	Qty	Value per unit ZAR	Value ZAR
nShield Connect 500+ F3-Standard (HSM)	2	R 85 962,70	R 171 925,40
			R -
TOTAL ex VAT			R 171 925,40
VAT: 15%			R 25 788,81
TOTAL			R 197 714,21

This quotation is valid for 30 days from the date of this quotation.
Errors and omissions are excluded.
By accepting this quote you agree to our Standard Terms & Conditions.
ROE applied is R15,50=\$1 and 18,64=€1.

Name

Designation

Signature

Date

Bank Details

LAW Trusted Third Party Services (Pty) Ltd
Nedbank
Acc. no: 001872737
Branch: 004305

t +27 12 676 9240 f +27 12 665 3997
e info@lawtrust.co.za w www.lawtrust.co.za
a Building C Cambridge Park, 5 Basilika Street, Highveld Techno Park Centurion 0157
p Postnet Suite 412, Private Bag X111, Centurion, 0046
d Elvin de Kock, Christl Maherry (Executive)
Company Secretary Rian Scheepers
LAW TRUSTED THIRD PARTY SERVICES (PTY) LTD • Registration Number 2001/004386/07