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The Acting Chief Procurement Officer
National Treasury
Private Bag X115
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0001

Dear Ms Setan,

**REQUEST FOR APPROVAL TO DEVIATE FROM NORMAL OPEN BIDDING
PROCESS IN THE PROCUREMENT OF FORENSIC DIGITAL EVIDENCE
EXTRACTION AND ANALYSIS SERVICES**

1. In accordance with the National Treasury Instruction Note number 3 of 2016/2017 dated 19 April 2016, approval is hereby requested that the Department be allowed to deviate from normal bidding processes and appoint Facts Consulting SA to deliver optimized forensic digital evidence extraction and analysis services to the Department of Home Affairs Ministerial Committee, ("MINCOM") in the execution of its data driven approach to forensic investigation and assessment for a period of 4 months not exceeding 6 months.
2. The Minister of Home Affairs has established a Ministerial Committee (MINCOM) under the chairmanship of Dr Casius Lubisi to review and establish whether the issuance of permanent residence permits, corporate permits and professional (scarce skills) visas was done according to legislative prescripts and in particular, the Immigration Act No.13 of 2002. In order for this committee to deliver on its mandate, they require services of a service provider who can deliver optimized forensic evidence extraction and analysis services.

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3. The MinCom was assigned the task to review all business and corporate permits, permanent residence permits, exceptional skills visas, retired persons visas and citizenship by naturalization of some foreign nationals granted between 12 October 2004 and 31 December 2020. See Terms of Reference attached as **Annexure A**. This is a massive assignment given the number of permits and visas granted annually. It is therefore imperative for the MinCom to have available forensic digital evidence extraction and analysis services to enable it to comb through the data in order to find commonalities and exceptions. The MinCom is expected to conduct its investigations and to complete its work within a four-month period.
4. The service provider to is expected to deliver on the following activities:
 - 4.1 Undertake and deliver optimised forensic digital evidence extraction and analysis services to the Department 's MinCom in the execution of its data-driven approach to forensic investigation and assessment.
 - 4.2 To deliver the Project Deliverables, and to achieve the strategic objectives of the Department through the Project.
 - 4.3 The strategic objectives of the Project are to:
 - To specifically render high quality data analytics services to the MinCom;
 - Source and secure all information and data;
 - Perform Data Imaging services when required;
 - Perform Data Recovery where necessary;
 - Apply Data Preservation; and
 - Testifying in civil and criminal investigations if called upon.
 - 4.4 In order to achieve the desired outcomes of the MinCom the data analytic process should ensure it addresses the following:
 - Identify what baseline data to collect in order to help make an assessment of progress which can be attributed to the task team initiative (either wholly or in part);
 - Advise on the best tools and methods to use in collecting such data;
 - Advise on the steps to be followed in completing the extraction, transformation and loading of the "cleansed" data, including a forensic audit trail of steps performed;

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- Advise on what tests will be performed to identify red flag data sets for the investigative team to follow up on, including the iterative step of red flag test refinement;
 - Advise on the simplest and most easily understood ways to display and report on the nature of what these data results depict;
 - Advise on system and process improvements that will enable the task team to make sustainable recommendations to the client regarding data maintenance and anomaly detection in the near real time scenario.
- 4.5 The major output from the consultancy will be a written set of recommendations and proposed actions for collecting and analysing data and later reporting on the findings revealed by such data, for each MinCom deliverable if distinct from other recommendations.
- 4.6 To translate such data analytics services into investigation and litigation products, such as reports detailing the findings of analysis and procedures performed on digital evidence.
5. In order to test the market for competitiveness and cost effectiveness, the Department issued a request for quotations to the following service providers who are listed on the Central Supplier Database:
- a) Facts Consulting SA
 - b) SACS Services
 - c) Shiled technology Group
 - d) Deloitte & Touche
 - e) Deloitte Consulting
 - f) PriceWaterHouseCoopers
 - g) Ernst and Young
 - h) Maphaladi Sel Projects
 - i) Tradobar
 - j) Booyseb Technologies
 - k) Mirror Business Solutions

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6. Out of the above prospective service providers, only two (Facts Consulting SA and Ernest and Young) responded to the request for quotations. Following the assessment of the quotations, it was found that both the service providers have the capability to provide the service. However, Facts Consulting SA prices are more reasonable and affordable as compared to Ernest and Young.

Their pricing ranges as follows:

Ernest and Young Resource	Rate per hour (Inc)
Partner	3482.20
Executive Director	3482.20
Associate Director	3391.35
Manager	2213.75
Assistant Manager	1513.4
Digital Forensics Fee- per device	
Imaging of devices- desktop and laptops computers	9775.00
Imaging of devices- cellular devices and other electronic storage media	6325.00
Cost per HDD (one image require two HDD's)	1092.50
Processing of evidence- eDiscovery (Relativity Platform)	
Processing of evidence – per GB	1092.50
Hosting of Data – per GB/Month	322.00
Licence fee- per user/month	1035.00
eDiscovery support per hour	1360.45

The above fees exclude disbursements (travel at R4.35 p/km, accommodation and imaging) of proposed amounts.

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Fact Consulting SA	Estimated hours	Rate per hour	Monthly cost
Yolande Byrd	100	2875.00	287 500.00
Arno Straus	120	1840.00	220 800.00
Other resources that may be utilized			
Jacques Malan		2875.00	
Mothusi Setlhabetsi		1495.00	

7. The total estimated cost calculated at a period of 6 months including the estimated cost of the two other resources (estimated at 60 hours per month) that could be utilized if need be is **R4 098 600.00**. However, the payments will be based on the actual hours worked in terms of the activities indicated above.
8. Considering the timeframes for this MinCom, it is not practical to advertise this need as an open tender. It is in this regard that a closed quotations process was followed.
9. It is recommended that National Treasury grant approval to deviate from normal bidding process and allow the Department to appoint Fact Consulting SA to deliver optimized forensic digital evidence extraction and analysis services to the Department of Home Affairs Ministerial Committee, ("MINCOM") in the execution of its data driven approach to forensic investigation and assessment for a period of 4 months not exceeding 6 months at an amount of R4 098 600.00 inclusive of VAT.

Yours sincerely



MR L.T. MAKHODE

DIRECTOR GENERAL

DATE: 26 April 2021.



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA



TERMS OF REFERENCE FOR A MINISTERIAL COMMITTEE TO REVIEW THE ISSUANCE OF PERMANENT RESIDENCE PERMITS, CORPORATE PERMITS, PROFESSIONAL (SCARCE SKILLS) PERMITS AND RETIRED PERSONS VISA AND THE DEVELOPMENT OF GUIDELINES ON THE IMPLEMENTATION OF THE IMMIGRATION ACT

1. INTRODUCTION

- 1.1 The Minister of Home Affairs seeks to establish a Ministerial Committee to review the issuance of permanent residence permits, corporate permits, professional (scarce skills) permits and retired person's visa between 12 October 2004 and 31 December 2020. The Committee will further develop guidelines on the implementation of the Immigration Act.

2. BACKGROUND

- 2.1 South Africa's Immigration Act No.13 of 2002 came into effect on 31 May 2002. In 2004, there was an Amendment of the Immigration Act. The Act "provides for the regulation of admission of foreigners to, their residence in, and their departure from the Republic; and for matters connected therewith".
- 2.2 The Act aims and objectives are amongst others are to:
- Ensure that visas and permanent residence are issued as expeditiously as possible and on the basis of simplified procedures and objective, predictable and reasonable requirements and criteria, without consuming excessive administrative capacity;
 - Facilitating and simplifying the issuance of permanent and temporary residence to those who are entitled to them, and concentrating resources and efforts in enforcing this Act at community level and discouraging illegal foreigners;
 - Detecting and deporting illegal foreigners;
 - The South African economy may have access at all times to the full measure of needed contributions by foreigners;
 - Further, the Act enables the promotion of needed foreign labour, foreign investment is facilitated, the entry of exceptional skilled or qualified people is enabled, skilled human resources are increased, academic exchanges within the Southern African Development Community is facilitated and tourism promoted;
 - Security considerations are fully satisfied and the State retains control on the immigration of foreigners to the Republic;
 - Interdepartmental coordination constantly enriches the functions of immigration control;

- Immigration laws are efficiently and effectively enforced, deploying to this end significant administrative capacity of the Department of Home Affairs, thereby reducing the pull factors of illegal immigration.

3. PURPOSE OF THE REVIEW

- 3.1 The purpose of the review is to establish whether the issuance of permanent residence permits, corporate permits and professional (scarce skills) visa's was done according to legislative prescripts in particular, the Immigration Act and related legislation. Further, the Ministerial Committee will be required to develop guidelines on the implementation of the Immigration Act.

4. SCOPE OF THE REVIEW

- 4.1 To establish whether in pursuance of the objectives of the Immigration Act, the Department of Home Affairs corporate permits issued between 12 October 2004 and 31 December 2020 were in accordance to the Immigration Act and other relevant legislative prescripts.
- 4.2 Review business and corporate permits issued between 12 October and 31 December 2020 in terms of the Immigration Act and applicable legislation.
- 4.3 Review permanent residence permits issued between 12 October 2004 and 31 December 2020 in terms of the Immigration Act and applicable legislation.
- 4.4 Review the citizenship by naturalisation of some foreign nationals in terms of the Citizenship Act, No.88 of 1995 for the period 12 October 2004 to 31 December 2020 including those done through Ministerial discretion.
- 4.5 Review the issuance of exceptional skills permits issued to individuals of exceptional skills or qualifications in terms of the Immigration Act, between 12 October 2004 and 31 December 2020.
- 4.6 Review the issuance of retired persons issued to individuals between 12 October 2004 and 31 December 2020.

5. METHODOLOGY

- 5.1 The Ministerial Committee will review all applications pertaining to the issuance of business and corporate permits in terms of Immigration Act for the period 12 October 2004 and 31 December 2020.
- 5.2 Review exceptional skills permits, citizenship through naturalisation, corporate and business visas issued for the period 12 October 2004 and 31 December 2020.
- 5.3 Conduct a comparative analysis of Immigration policies of other countries both on the continent and elsewhere in the world and how these are implemented.
- 5.4 Develop specific proposals identifying the preferable electoral system to be canvassed with identified electoral stakeholders.
- 5.5 Interviews with key stakeholders including Department of Home Affairs' officials, Department of Employment and Labour, Department of Trade, Industry and Competition and other identified role-players.

6. DELIVERABLES

- 6.1 Table a report to the Minister of Home Affairs on key findings and recommendations.
- 6.2 Develop guidelines on the implementation of the Immigration Act.
- 6.3 The Ministerial Committee is expected to brief and advise the Minister as and when required on the Immigration Act.

7. ADMINISTRATION

- 7.1 The Ministerial Committee must establish its administrative needs as well as operational and meeting procedures, including the engagements it will require with its key stakeholders. The Department of Home Affairs will provide a secretariat for the Committee.

8. REMUNERATION OF COMMITTEE MEMBERS

- 8.1 Non-official members of committees of inquiry appointed by the Executive Authority must be remunerated according to the scales approved by National Treasury.

	Per day	Per hour
Chairperson	R4 317	R540
Member	R2 691	R327