



Integrity by design in eProcurement

Controls implementers can use now

Date: September 2026

Time: 9AM

Presenter: Mr Joshua Swart

African Procurement Law Unit | Stellenbosch University Faculty of Law

1. IMPLEMENTATION FRAME

Two data questions every eProcurement project must answer

Keeping these separate makes governance much easier to implement.

A. The procurement record

What evidence must the system preserve?

- approvals, bids, scoring and reasons
- declarations and conflicts of interest
- versions, amendments and timestamps
- contract performance, variations and payments
- who did what, when — and under whose authority

B. The data inside the procured system

What rights must the **contract*** secure?

- government source / input data
- derived or work-product data
- personal information and logs
- supplier IP, software and configurations
- backups, export formats, migration and deletion

***Contract for the creation of eProcurement system**

INTEGRITY = traceable decision-making + enforceable data control

2. CASE STUDY

Inzalo:* “data” is not one legal object

The contract failed to define “data” – and the dispute only became visible at exit.

THE CONTRACTUAL FAILURE

“The customer reserves the right to all data captured...”

But the Master Agreement defined neither “data” nor “captured data”. It separately protected Inzalo’s software as its intellectual property.

SCA result

The High Court’s “all data” order was overbroad. The matter was remitted to determine what data, if any, the municipality was entitled to receive.

Classify before you contract

Data class	Minimum contractual treatment
Government source / input data	Government access, control and portable export
Derived / work-product data	Expressly allocate access, use and control
Personal information	POPIA-governed stewardship + access/security rules
Metadata / audit logs	Express allocation, retention and audit access
Supplier software / operational IP	Identify what remains supplier-owned
Backups / configurations	Separate government data from supplier IP; define restore/export rights

Practical rule: EXIT IS PART OF ACQUISITION

3 *Inzalo Enterprise Management Systems (Pty) Ltd v Chief Albert Luthuli Municipality [2025] ZASCA 85, paras 7–16



3. RECORDS & ARCHIVING

The procurement record must survive the platform

Archiving is an integrity control: preserve the evidence, its context and its reliability.

CURRENT NATIONAL BASELINE

Treasury Regulation 17.1.1

Transactions must be supported by authentic and verifiable source documents.

Treasury Regulation 17.2

Financial records have record-specific retention periods; alternative formats must preserve integrity, reliability and reproducibility as evidence.

Treasury Regulation 16A8

Ethical standards, conflicts, equitable treatment and written reporting of breaches.

KZN IMPLEMENTATION PRACTICE

KZN Treasury currently hosts its SCM Policy Framework, Contract Management System and departmental / municipal procedure manuals.

The departmental **Contract Management Procedure Manual** calls for documentation in a **Contract File** throughout the contract lifecycle.

KZN also has a provincial **Archives and Records Service Act (Act 8 of 2011)**.

DIRECTION OF TRAVEL

Draft General Public Procurement Regulations 2026 would require a digital archiving / backup policy, controls against tampering and unauthorised destruction, and procurement-data retention before archiving.

They also point toward encryption, secure servers, backups, disaster recovery and timestamped audit trails.

Treat this as design guidance, the 2026 Regulations were still in draft consultation, not a current prescript.

IMPLEMENTOR'S TEST: Can an auditor reconstruct the decision years later without the original platform or supplier?

4. DATA BY DESIGN

Structured data turns transactions into integrity signals

The system can only aggregate what it captures consistently.

CAPTURE ONCE - IN SET FIELDS

A digital form should collect comparable identifies and values, not only upload PDFs.

Commodity/ category	Unit/quantity
Unit price (ex VAT) value / final cost	Award
Supplier Reg no. BO identifier*	Director/
Contract / project ID † Use a stable identifier where legally appropriate. Capture does not mean indiscriminate publication; access must remain POPIA-compliant	Award

WHAT THIS UNLOCKS

- 1 Price Outliers** - compare like-for-like unit prices across entities, suppliers, regions & time - and flag unusual deviations before award.
- 2 Entity linkages** - match a director or BO identifier across supplier entities and awards to surface relationships that deserve scrutiny.
- 3 Lifecycle patterns** - compare initial award, variations, final cost, delays, and payment patterns across similar contracts.

IMPLEMENTATION RULE: structured fields first; attachment second

4 Sources: Open Contracting Partnership, Tanzania NeST case study (2026); OCP, Chile beneficial-ownership reform (2025).



5. AGGREGATED INSIGHT

Aggregate the spend - then change the procurement decision

Historical transactions become a planning and anti-corruption asset.

1. Cost Better

Benchmark unit prices and total costs for repeat purchases.

Use historic contracts to improve estimates, identify persistent overruns and test whether a price is an outlier.

Illustrative query:

“Why is Entity A paying materially above the provincial median for the same commodity?”

OCP: historic contract data can establish cost benchmarks.

2. Buy Better

Aggregate spend by commodity, entity and period.

High-volume categories may justify transversal or framework arrangements; stable demand data can support more accurate multi-year contracting and budgeting.

Ask:

“What are the real budget drivers across the province?”

COLOMBIA: data informs framework agreements & strategic sourcing.

3. See Relationships

Measure supplier concentration, repeat awards and common ownership.

Link supplier entities to directors / beneficial owners so apparently separate firms can be checked for shared individuals or other connections.

The signal triggers review - it does not replace due process.

CHILE: 185k+ beneficial owners; conflict cases ↓ 67%.

4. CONTRACTING CONTROLS

Eight questions to answer before award

1 CLASSIFICATION

What data classes will the system hold or generate?

2 RIGHTS & IP

Who owns / controls each class, and what remains supplier IP?

3 STORAGE & ACCESS

Where is data stored / backed up, and who can remotely access it?

4 EVIDENCE

Are approvals, versions, logs and timestamps retained and exportable?

5 PORTABILITY

Can government extract usable data in an open / documented format?

6 INTEROPERABILITY

Can another system or provider ingest it using documented interfaces?

7 CONTINUITY

What backup, restore and disaster-recovery obligations are enforceable?

8 EXIT

Who migrates, by when, at what cost, and how is deletion verified?

Build the schedule with: **SCM + business owner + ICT + legal + records manager + internal audit**

**ONE OWNER ≠
ENOUGH**

4 Sources: Inzalo [2025] ZASCA 85; APLU Public Procurement of Cloud Services in South Africa (2026); GIZ AU support proposal (July 2026).



ePROCUREMENT
DIALOGUE

DF3/006

African Procurement Law Unit
Stellenbosch University Faculty of Law
Contact: jswart@africanprocurementlaw.org

Thank you

2026

