



MERGER NOTICE NO 08: 2024

THE PROPOSED ACQUISITION BY AGILE HOLDINGS (PTY) LTD, DIAGNO FIRM (PTY) LTD, BPOMAS PROPERTY HOLDINGS (PTY) LTD OF CERTAIN ASSETS OF THE BUSINESS OF BCL LIMITED (IN LIQUIDATION)

Pursuant to section 49(1) of the Competition Act 2018, the Competition and Consumer Authority ("the Authority") has received a notification for the proposed acquisition by Agile Holdings (Pty) Ltd ("Agile Holdings"), Diagno Firm (Pty) Ltd ("Diagno Firm"), BPOMAS Property Holdings (Pty) Ltd ("BPOMAS Property") (collectively the "Acquiring Enterprises") of certain assets of the business of BCL Limited (in Liquidation) ("BCL"), more particularly, the BCL Hospital buildings and fixtures as situate on the BCL lease area (hereinafter the "BCL Hospital" or the "Target Enterprise").

The Acquiring Enterprises, consists of the following:

Agile Holdings

Agile Holdings, a limited liability company incorporated in Botswana. Its shareholders are Onthatile Tiny Ogotseng (18%), Thato Moumankwa (18%), Mokgethi Frederick Magapa (18%), Badiredi Boyboy Tau (18%) [all Batswana] and Agile Holdings (28%). Agile Holdings controls the following registered entities:

- a) Agile Hospital Kasane (Pty) Ltd – Hospital Operations
- b) Reagile Health Administrators (Pty) Ltd – Health Management Services
- c) Agile Health Managers (Pty) Ltd – Hospital Management Services;
- d) Agile Hospital Palapye (Pty) Ltd –Hospital Operations;
- e) Medigas (Pty) Ltd ("Medigas") – Medical Supplies;
- f) Health Risk Management Botswana (Pty) Ltd - Health Risk Management Services;
- g) Agile Private Hospital Selebi Phikwe (Pty) Ltd – Hospital Operations.

Agile Holdings, is a hospital management holding company offering comprehensive management services for hospitals and other healthcare organisations through its subsidiaries. Currently, Agile Holdings, does not directly conduct operations in Botswana and therefore it does not directly sell any products or provide any services into or from Botswana which are related to the provision of essential healthcare services. That stated, through Medigas, Agile Holdings, provides medical equipment and consumables including the deployment, operations and maintenance of medical gas generating systems for hospitals of all sizes. Agile specialises solely in delivering management services to hospital, focusing on operational and administrative aspects. Thus, it contributes to efficient and effective administration of healthcare facilities.

The Directors of Agile Holdings are Onthatile Tiny Ogotseng, Thato Moumankwa, Mokgethi Frederick Magapa, and Badiredi Boyboy Tau (all Batswana).

Diagno Firm

Diagno Firm, a limited liability company incorporated in Botswana. Its shareholders and directors are Waheeda Chand (75%) and Mohammed Chand (25%) (both Batswana). Digno Firm does not directly or indirectly control any entity in Botswana. Diagno Firm is a medical

laboratories services provider. It provides pathology services to all healthcare professionals and their patients across Botswana. Accordingly, it does not sell any products or provide any services into or from Botswana which is related to the provision of healthcare services. Diagno Firm specialises in delivering diagnostic testing services, concentrating on laboratory analysis and pathology-related services. Thus, its business is focused on delivering specialised testing and analysis support.

BPOMAS Property

BPOMAS Property, a limited liability company incorporated in Botswana. BPOMAS Property is wholly owned by the Botswana Public Officers Medical Aid Scheme. BPOMAS Property does not directly or indirectly control any entity in Botswana. BPOMAS Property is a real estate investment company which engages in the business of letting out properties.

The Directors of BPOMAS Property are Motshidisi Onyebo Mafoko, Onalethata Lebotse, Abel Apollo Bogatsu, Vinoliah Oduetse Tebogo, and Thabo Matthews Mzwinila (all Botswana).

The Target Enterprise, comprises of certain assets of the business of BCL, a firm incorporated in Botswana. BCL has been in Liquidation since 9th October 2016 and has been under the control of the liquidator, Sivalutchmee Darusha Moodliar N.O. (South African). Prior to liquidation, BCL ran the BCL mine (now in care and maintenance) which produced nickel, cobalt and copper. In addition, BCL operates the BCL Hospital, which is a mine hospital whose mandate is to provide vital healthcare services to the BCL employees and the local community. BCL is wholly owned by the Government of Botswana. BCL directly controls Pula Steel and Casting Manufactures Pty Ltd (in Liquidation), as well as BCL Investments Pty Ltd. BCL indirectly controls Tati Nickel Mining Company (Pty) Ltd (in Liquidation).

According to section 50 (3) of the Competition Act 2018, "any person, including a third party not a party to the proposed merger, may voluntarily submit to the investigator or the Authority any document, affidavit, statement or other relevant information in respect of a proposed merger." The Authority therefore seeks any stakeholder views for or against the proposed acquisition of assets, which may be sent within 10 days from date of this publication to the following address:

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