



PPADB CIRCULAR NO 5 OF 2021
(Made in terms of Section 28 of the PPADB Act)

17 May 2021

The Permanent Secretary to The President
All Permanent Secretaries
Director, Public Service Management
The Commander, Botswana Defence Force
The Commissioner, Botswana Police Service
Attorney General
Auditor General
The Registrar of The High Court of Botswana
The President, Industrial Court
The Director General, Directorate on Intelligence and Security
The Director General, National Strategy Office
The Director General, Directorate on Corruption and Economic Crime
The Ombudsman
Clerk of The National Assembly
The Secretary, Independent Electoral Commission
All District Commissioners
All Chairpersons, Ministerial Tender Committees
All Chairpersons, District Administration Tender Committees
All Chief Executive Offices, Parastatals
All Chairpersons, Land Boards
All Local Authorities

RE: DELISTING OF CHAWE CIVIL ENGINEERING (PTY) LTD, ITS DIRECTORS, SHAREHOLDERS AND SENIOR OFFICERS FROM PUBLIC PROCUREMENT EFFECTIVE 19TH NOVEMBER 2020:

IN RE: THE BOARD'S RE-CONSIDERATION OF ITS DECISION TO DELIST PHILEMON MOSOME

- 1) Kindly refer to the above captioned matter.

- 2) Be advised that the Board at its sitting of the 19th November 2020, in the exercise of its powers in accordance with Section 50, Section 116, Section 123, Section 124, Section 125 and Section 126 of the PPAD Act, considered a matter relating to the below mentioned contractor emanating from the investigations and recommendations of the Suspension and Delisting Committee. The Board approved the recommendations of the Committee as follows:
 - a. Chawe Civil Engineering (Pty) Ltd, its Directors and Shareholders being Notalk Chawatama, Moduke Gopolang, Vincent Mopati Moiteelasilo, Bame Shatera, Moshe Olaetse, and Philemon Mosome and Michael Mpofo, a senior officer who held a key operational position in the Company, be Delisted from the PPADB Register effective from the 19th November 2020 for breach of Clause 3.2 of the Code of Conduct for Contractors requiring contractors to not be involved in fronting, tokenism, window dressing and 'rent a Motswana' practices during the tendering stage or when seeking registration in the register of Contractors.

 - b. Procuring Entities, Ministerial Tender Committees, District Administration Tender Committees, Land Boards, Parastatals and all Government Departments are herein advised of the Board decision. All are advised not to engage in public procurement or asset disposal (including Micro procurement) with delisted contractors until the contractor re-applies.

 - c. Procuring Entities are further advised to ensure that the Code of Conduct of Contractors is adhered to by Contractors in all procurements and asset disposal and to further report all issues of impropriety to the Board, and its Committees to ensure that appropriate action is taken against Contractors who undertake business with Government without adhering to the Code of Conduct of Contractors and terms of Contract.

- 3) The Board herein advises of re-consideration of its decision regarding delisting of one of the erstwhile Directors and Shareholders of Chawe Civil Engineering & Construction being Mr Philemon Mosome who was affected by the delisting as an erstwhile director and shareholder of the delisted Contractor as per Section 126 of

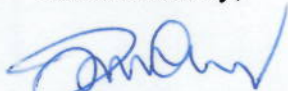
the PPAD Act. The re-consideration was prompted by a complaint from Ramalepa Attorneys representing Philemon Mosome indicating that Mr Mosome had resigned from the company at the time of the commission of the offence for which the abovementioned company is delisted for and that notice of the foregoing resignation was made to the Companies and Intellectual Property Authority (CIPA), and further that Mr Mosome was after his resignation not involved in the company and was unaware of the proceedings that culminated in the Board's decision to delist the company.

- 4) The Board having conducted the necessary investigations and satisfied itself that the new information presented before is valid herein communicates its decision to withdraw the delisting of Mr. Philemon Mosome in his capacity as erstwhile director and shareholder of Chawe Civil Engineering (Pty) Ltd.
- 5) However, it must be highlighted that at the time of the disciplinary process, imposition of the penalty and consideration of Mr Mosome's complaint, registration information as is contained in the PPADB Integrated Procurement Management System (IPMS) indicated Mr. Mosome as a shareholder and director of Chawe Civil Engineering & Construction (Pty) Ltd, and his registration as such was part of the proof advanced by the company in its fronting scheme that it is a 100% citizen-owned company that should benefit from citizen reservation schemes.
- 6) Consequently, the Board underscores that the decision to delist Mr Mosome was a valid one based on the information that was before it at the time and is only being reversed in light of new information that has been placed before it. Further that the Board and the Suspension and Delisting Committee were well within their rights to rely on the registration information as contained in the IPMS system and to make a decision on the basis of the same
- 7) Be that is may, in light of the new information, the Board ultimately resolved that documents as received from CIPA have to be relied upon and as a result action could not be taken against Mr Philemon Mosome as the CIPA documents indicated that at the time of commission of the offence by the company Mr

Mosome had already resigned as director of the company and relinquished his shareholding in it.

- a. To that end, the complaint by Ramalepa Attorneys on behalf of their client Philemon Mosome was upheld with the delisting against Mr Mosome being withdrawn by the Board.
 - b. It is clarified that the delisting against Chawe Civil Engineering & Construction (Pty) Ltd and the other affected directors, shareholders and personnel holding key operational positions remains in effect.
- 8) Information on suspended or delisted Contractors is available in the PPADB website: www.ppadb.co.bw

Yours faithfully,



K.K Ketshajwang
Acting Executive Chairperson