



Ayanda Mhlongo

Director

Ayanda Mhlongo is a Director in our Corporate & Commercial practice. He focuses on general corporate commercial matters, corporate structuring and restructuring, company law and regulatory advisory work, as well as mergers and acquisitions. He also has experience in the drafting of a broad range of commercial agreements, advising on the corporate aspects of renewable energy projects and regulatory and commercial work in the liquor industry.

Practice areas


Corporate & Commercial


Sectors

Consumer Goods, Services & Retail

Contact Details

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Career

Ayanda completed his articles and worked at ENS Africa from 2009 to 2014, where he was a Senior Associate in the corporate commercial team, before he joined a large consumer goods company as in-house counsel, advising the commercial, marketing, innovation, corporate relations and supply chain teams. He subsequently moved back into practice at Norton Rose Fulbright as a Senior Associate in the Corporate, Mergers and Acquisitions team.

Ayanda joined Cliffe Dekker Hofmeyr as a Senior Associate in 2017. Ayanda was appointed Director in April 2018.

Experience

- Conducting and co-ordinating commercial and regulatory due diligence investigations;
- Drafting and negotiating various types of commercial agreements, including sale of shares agreements, shareholders' agreements, subscription agreements, share repurchase agreements, supply, distribution and service level agreements, sale of business agreements and franchise agreements;
- Advising sponsors in the renewable energy space on:
 - the acquisition of projects from developers;
 - general commercial advice in reaching financial close on projects;
 - negotiations with lenders; and
 - refinancing of existing projects;



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- Advising clients in the FMCG space on the following:
 - the development of customer trading terms, distribution agreements and customer promotions;
 - the development, packaging and marketing of new products and the applicable regulatory framework;
 - providing ad hoc regulatory advice and policy training on the Liquor Act, Liquor Products Act, the Foodstuffs, Cosmetics and Disinfectants Act and the Consumer Protection Act;
- Commercial advice in relation to the establishment and structuring of various corporate entities in South Africa;
- Regulatory advice and opinions on the Companies Act;
- Recent matters:
 - Advising on the refinancing of the BBBEE shareholders' equity in the Dorper Wind Farm project on behalf of GAIA Infrastructure Partners, replacing the Industrial Development Corporation of South Africa as the funder of the BEE shareholders' equity, including conducting and co-ordinating a legal due diligence exercise on the project company and project agreements;
 - Drafting and negotiation of various commercial agreements to pre-financial close in Enel Green Power RSA's Round 4 REIPPP renewable energy projects, comprising 5 projects with a total of 700MW capacity;
 - Advising Grit Overseas Pte, a Singaporean entity, on its acquisition of a 26% minority stake in Medical Diagnostech, a medical diagnostic kit manufacturer and supplier;
 - Advising Fusion Energy on its proposed disposal of its equity in the Ngodwana 25MW biomass project to African Rainbow Energy and Power;
 - Conducting and co-ordinating a legal due diligence on behalf of the BEE shareholders (Tirisano and Built Africa) in a 5MW biomass project in George, in the context of negotiations to project financial close;
 - Advising G7 Renewable Energy on the disposal of a wind energy power generation project to Building Energy SpA, and drafting the commercial agreements in respect of the proposed disposal;
 - Review and negotiation of various commercial supply agreements for Heineken South Africa in respect of its key customers and suppliers, including the major South African retail chains;
 - Assisted in advising GAIA Infrastructure Partners in its negotiations with Cennergi in respect of the proposed acquisition of the BBBEE shareholders' equity in the Tsitsikamma Wind Farm;
 - Advising on and preparing regulatory applications to the National Regulator for Compulsory Specifications and the Department of Agriculture, Forestry and Fisheries (DAFF) on behalf of Heineken South Africa in respect of imported products, and leading the interactions with DAFF in respect of the products;
 - Assisted in advising Enertronica S.p.A on various corporate governance matters and disputes arising with its South African shareholders.



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Market Recognition

- IFLR1000 2022 recommended Ayanda as a Rising star Partner for Project Development.

Education

- BCom (Economics and Law), University of Cape Town
- LLB, University of Cape Town
- Year of admission as an attorney: 2011
- Registered with the Legal Practice Council

Languages

English



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