



Request for Qualifications (RFQ)
for Legal Services

**National Black MBA Association[®],
Inc.**

JULY 19, 2021



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Section I: Purpose

- 1.1 The National Black MBA Association®, Inc. (NBMBAA®) is soliciting statements of qualifications from qualified firms to provide legal services. It is the intent of the NBMBAA to engage counsel services from an individual attorney or attorneys from a qualified law firm.

Section II: Background

- 2.1 The National Black MBA Association, Inc. (NBMBAA) is a non-profit, 501(c)(3) professional membership organization which leads in the creation of educational, wealth building, and growth opportunities for those historically underrepresented throughout their careers as students, entrepreneurs, and professionals.

Established in 1970, the National Black MBA Association is dedicated to developing partnerships that result in the creation of intellectual and economic wealth in the Black community. In partnership with more than 300 of the country's top business organizations; the association has inroads into a wide range of industries as well as the public and private sector.

The organization gains its strength from a strong belief in community and a commitment to development through economic and educational initiatives that support the global Black community.

The National Black MBA Association vision is to empower visionaries intellectually and economically to create a world where diversity and inclusion are universal.

Our Values:

INTEGRITY: We lead with integrity – demonstrating honesty, transparency, and moral courage with our stakeholders at all times.

DIVERSITY & INCLUSION: We serve as a champion for both diversity and inclusion, preparing future leaders and providing thought leadership to help our stakeholders recognize, develop, and engage their talent.

ECONOMIC EMPOWERMENT: We support the economic empowerment of our stakeholders – providing access to networks of resources and information about access to capital, entrepreneurship, and wealth building.



EDUCATION: We promote education as the primary vehicle to economic mobility for our community – our programming serves to enhance the preparation and competitiveness of our stakeholders during every phase of their careers.

EXCELLENCE: All aspects of organization are managed with excellence – we expect and deliver the very best whenever the NBMBAA® brand is involved.

SERVICE: We demonstrate servant leadership – we listen to the needs of our stakeholders and actively serve our communities while preparing our members to do so for life.

There are more than 21,000 members of the NBMBAA, comprised of those who hold the MBA degree, or other Masters' level degrees; PhDs; business professionals at all levels of their careers, current MBA students and those who hold undergraduate degrees in business-related fields. You do not have to be an MBA to be a member of the Association. Forty-one percent (41%) of our members have an MBA; another 11% have a Masters' degree or higher (JD/PhD). More than 50% of our membership are early career professionals.

The NBMBAA has 40 professional chapters in across the United States.

A full range of professional development programming, networking and local chapter activities are delivered by the local chapters. As part of the mission of the organization, working with high school students through our Leaders of Tomorrow® program is one of the most recognized programmatic efforts.

The largest event for the Association is the Annual Conference and Exposition which hosts one of the nation's largest career expos and attracts between 8,500 and 10,000 attendees and 300 corporations. Our conference workshops and speakers are selected to foster stimulating discussion about education, diversity, professional development, and career advancement for Black business professionals.



Section III: Instructions to Respondents

- 3.1 All responses to this Request for Qualifications shall be emailed to:
- legal.solicitation@nmbmaa.org
- 3.2 In subject line, enter: Request for Qualifications – Legal Services. No faxed or telephone statements will be accepted.
- 3.3 All responses must be received by July 28, 2021 @ 12:00 p.m. EST. It is the responsibility of the respondent to ensure that the RFQ is received by the NMBBAA by the date and time specified above. Late responses will not be considered. To ensure a fair review and selection process, firms and individual attorneys submitting qualifications are specifically requested not to make other contacts with the NMBBAA staff regarding this request.
- 3.4 Any questions regarding this Request for Qualifications shall be emailed to finance@nmbmaa.org. No questions shall be received after 5:00 p.m. EST, Friday, July 23, 2021.

Section IV: Time Schedule

- 4.1 The following schedule is provided as a guideline. The NMBBAA reserves the right to modify or alter the schedule as needed.

Event	Date & Time
Issue RFQ	July 19, 2021
Questions Due	July 23, 2021, by 5:00 p.m. EST
Deadline for submittal of RFQ	July 28, 2021, by 12:00 p.m. EST
Selection of respondent (s) to interview	August 4, 2021
Interviews	August 5-11, 2021
Award selection	August 13, 2021

Section V: Terms and Conditions

- 5.1 The NMBBAA reserves the right to reject any and/or all proposals, call for new proposals, to waive any informalities in a proposal, and to select the qualified parties. The NMBBAA reserves the right to accept, reject, and/or negotiate any and all proposals or parts of the proposals deemed to be in the best interest of the NMBBAA.
- 5.2 The NMBBAA reserves the right to request the clarification of information submitted and to request additional information from any respondent.
- 5.3 The NMBBAA reserves the right to award any contract to the next most qualified respondent if the successful respondent does not execute a contract within thirty (30) days after selection of the respondent.
- 5.4 Any proposal may be withdrawn up until the date and time set above for opening of the RFQ responses. No proposal may be modified or withdrawn for a period of one hundred-twenty (120) calendar days thereafter.
- 5.5 The professional services contract resulting from acceptance of a proposal by the NMBBAA shall be in a form supplied or approved by the NMBBAA and shall reflect the specifications in this RFQ. The NMBBAA reserves the right to reject any proposed agreement or contract that does not conform to the specifications contained in this RFQ, and which is not approved by the NMBBAA.
- 5.6 Ownership of all data, materials, and documentation prepared for and submitted in response to this RFQ shall belong exclusively to the NMBBAA. Exceptions may be requested by the applicant, citing applicable statutory authority for holding specific information in confidence. The approval of exceptions will be in the sole discretion of the NMBBAA.
- 5.7 By submitting their qualifications, all proposing parties certify that their proposals are made without collusion or fraud and that they have not offered or received and inducements from any other person or party in connection with their proposals, and that they have not conferred on any NMBBAA employee having official responsibility for this solicitation transaction of any payment, loan, subscription, advance, deposit of money, services, or anything of value of more than nominal value, present or promise.
- 5.8 Those submitting responses do so entirely at their expense. There is no expressed or implied obligation by the NMBBAA to reimburse any



individual for any costs incurred in preparing or submitting bids or providing additional information when requested by the NMBBAA.

Section VI: Scope of Services

The applying attorney or firm must be licensed in the State of Georgia and demonstrate that the respondent is a current member in good standing with the Georgia State Bar. Under the proposed agreement, Counsel will provide the following:

- 6.1 Provides counsel on nonprofit compliance, IRS regulation, employment and human resource matters, contracts, agreements, and intellectual property.
- 6.2 Provides legal advice, counsel, services, and consultation including but not limited to: general civil law, labor law, grant and contract issues, laws against discrimination, property/real estate law, criminal law, and law that may affect the NMBBAA's governance ensuring Counsel's advice includes methods to avoid civil litigation.
- 6.3 Answers requests for legal opinions in writing and verbally. Prepares written legal opinions at the request of the Chief Executive Officer (CEO), Chief Financial Officer, Executive Assistant to the CEO, and the Chairman of the Board. Availability to answer NMBBAA's management questions by telephone or email.
- 6.4 Appear before courts and administrative agencies to represent the NMBBAA's interests.
- 6.5 Works cooperatively with any special legal counsel retained by the NMBBAA for special projects. Coordinates with other special counsel, as needed, to ensure proper management of legal issues, and proper coordination and transition of legal information among special counsel.
- 6.6 Provides guidance and legal advice on Robert's Rules of Order, NMBBAA Bylaws and policies and procedures, and the NMBBAA Board of Directors Bylaws and board policies and procedures, proper procedure to resolve nonprofit governance.
- 6.7 Assists the NMBBAA with maintaining ethical standards and appearance of fairness standard, and to avoid potential conflicts of interest, prohibited transactions, and the appearance of prohibited transactions.

- 6.8 Prepares and reviews contracts, leases, agreements, resolutions, ordinances, proclamations, and other documents upon request.
- 6.9 Reviews and re-drafts various policies for legal correctness and acceptability. This would include, by way of example, but not limited to personnel policies, family medical leave, etc.
- 6.10 Representation at Board of Director meetings, and Special Called meetings.
- 6.11 Perform other legal services and tasks as requested.

Section VII: Submission Requirements

The respondent should have a minimum of ten (10) years' experience in nonprofit governance and compliance.

- 7.1 Summarize the respondent's unique qualifications in providing legal services including brief history of the firm, size, structure, and areas of practice.
 - Complete resumes for three (3) qualified attorneys designated by the firm at which the NBMBA will select one of the three as the point of contact or lead attorney if the firm is selected.
 - Provide information on certifications or licenses, educational institution conferring law degree and year of degree, professional background, and professional associations.
 - Provide information about the range of services offered and available support staff.
 - Provide details of any ethics violations or board actions against the firm, its attorneys, and employees within the last ten (10) years.
- 7.2 Legal Experience
 - Provide experience advising nonprofits.
 - Provide examples of expertise in nonprofit governance and compliance.
 - Provide at least three (3) professional references including names, addresses, and telephone numbers, email addresses, preferably references from other nonprofits.
 - Provide at least three (3) professional references including the names, addresses, telephone numbers, and email addresses, preferably references from other nonprofits for each of the three (3) qualified attorneys designated by the firm which the



NBMBAA will select one of the three as the point of contact or lead attorney.

- 7.3 Provide information on the following to demonstrate the respondent's availability and capacity to provide timely legal services.
- Provide a statement describing how the respondent proposes to provide legal services to the NBMBAA. Address issues such as office location, accessibility to the NBMBAA staff, Board Meeting attendance, and other meetings including any virtual meetings that may be required. Counsel must be available by telephone, fax, cell phone, and email.
 - Provide documentation of workload capacity commensurate with the level of service required by the NBMBAA.
 - Provide information about the respondent's availability and capability to perform on short notice and to ensure timely response and completion based on the NBMBAA's schedule and deadlines.
- 7.4 Understanding the required services and quality assurance.
- Provide a list of all local nonprofits or clients the respondent now represents which may cause a potential conflict of interest with the Board of Directors.
 - Describe how the respondent protects client confidentiality. This applies to all information and communications, including electronic communications.
 - Describe the respondent's intended approach to communicate with the NBMBAA regarding progress reports, status reports, recommendations, status of opinions, etc.

Section VIII: Selection Criteria

The relevant experience of each assigned party will be evaluated as it relates to the scope of services. A committee will review the responses to the Request for Qualifications and will make a selection recommendation to the Board Chair. The committee may elect to conduct interviews with any shortlisted person(s) or firm(s).

Proposals will be evaluated based on the criteria and scoring system shown below:

Evaluation Criteria	Weight Given
Respondent Qualifications	20
Experience of the attorney	40
Respondent's availability and capacity to provide timely legal services	30
Understanding the required services and quality assurance	10

Section IX: Contract

- 9.1 **Contract Negotiations:** Upon selection of the most qualified respondent based on demonstrated competence and qualifications for the type of professional services required, the NMBBAA will negotiate payment terms which it determines is fair and reasonable and negotiate any other portion of the contract deemed necessary. In the event the NMBBAA is not able to negotiate successfully with the top ranked respondent, the NMBBAA shall cease negotiations with that respondent and either begin negotiation with the next ranked respondent or may choose to cancel the solicitation in its entirety. Award shall be made to the respondent whose submittal and subsequent negotiation is most advantageous to the NMBBAA. The NMBBAA reserves the right to renegotiate terms as needed to obtain the most cost-effective services.
- 9.2 **Contract Term:** The contract term is one (1) year with the option to renew up to three (3) additional one-year extensions upon mutual agreement from both parties. A signed contract extension should be executed within thirty (30) days of the original contract term.
- 9.3 **Termination of Contract:** This contract may be terminated, in whole, or in part, at any time by mutual written consent, or by the NMBBAA, with or without cause, upon giving thirty (30) days written notice to the successful respondent. If this contract is terminated, the NMBBAA shall be liable only for payment under the payment provisions of the contract for services rendered and accepted material received by the NMBBAA before the effective date of termination.