

Negotiations



Creating Win-Win Agreements

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Negotiations



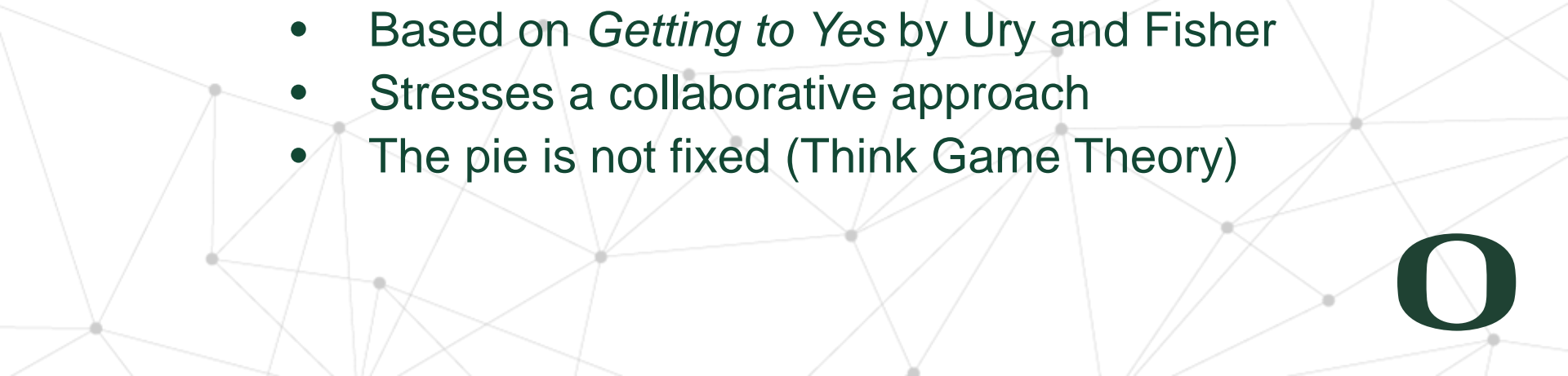
- Basic Framework/Concepts
- Positions
- Interests
- Options
- Standards
- Strategy



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Basic Framework/Concepts



- Positional v. Interest Based
 - Positional: Quid Pro Quo Bargaining
 - The pie is fixed and the parties are there to divide it up.
 - Generally arises when prices is the determining factor.
 - Interest Based: Creative process through which solutions are found to serve all needs
 - Based on *Getting to Yes* by Ury and Fisher
 - Stresses a collaborative approach
 - The pie is not fixed (Think Game Theory)
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Positions



- Positions are the terms and conditions the parties offer to each other
- Seem fixed
- “Positions are something you’ve decided upon. Interests are what caused you to so decide”



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Interests



- The underlying business need that drives a position:
 - Ex: “I Need to have the equipment delivered by Nov. 1 so that I can begin work and finish by my submission deadline in March”
 - Position: Delivery by Nov. 1
 - Interest 1: Having enough time to finish using the equipment by submission deadline in March.
 - Position 2: Vendor cannot deliver until December. Query rationale: Why can't vendor deliver until December?

Options



- Options are alternative arrangements that meet underlying interests in a manner that is less burdensome on your counterpart
 - Ex: “I’ll do preliminary experiments with the equipment for a week in Nov., but will not do the bulk of the work for all of Jan. I just need to use the equipment, don’t need it to be in Eugene.”
 - Option: Arrange for use of equivalent equipment at alternative location in Nov. and deliver equipment in December



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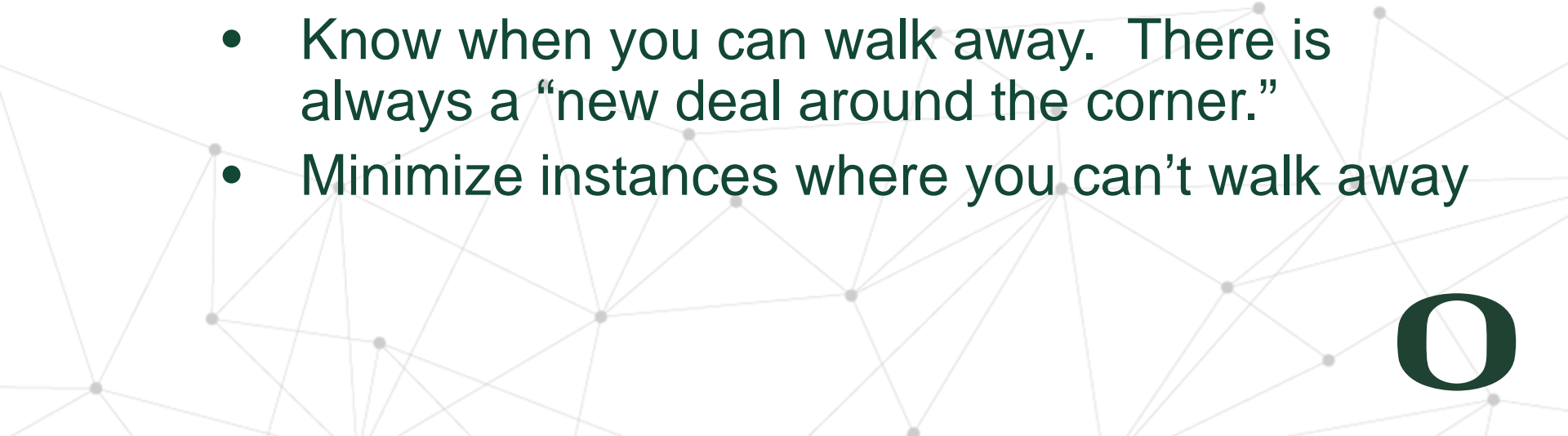
Standards



- Standards are independent methods of measurement that remove the subjectivity of the parties.
- Examples: Common Indices, like CPI; established formulas; published price lists; etc.
- Neither party is in control of a standard, so neither party feels disempowered

Negotiation Strategy



- Separate people from the problem
 - Identify Interests to create Options
 - Create BATNA (Best Alternative to a Negotiated Agreement) before you engage. In contract negotiations, the typical BATNA is to walk away from the transaction.
 - Know when you can walk away. There is always a “new deal around the corner.”
 - Minimize instances where you can't walk away
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Resources



- Read Getting to Yes: [Available to at UO Libraries](#)
- *Effective Neogtiation Strategies and Preparation*, Association of Corporate Counsel, <http://www.acc.com/legalresources/quickcounsel/ensp.cfm>
- *Negotiation Skills: Value-Creation Resources*, Program on Negotiation, Harvard Law School, <http://www.pon.harvard.edu/daily/negotiation-skills-daily/negotiation-skills-value-creation-resources/>

Resources



Six Surprising Negotiation Tactics That Get You The Best Deal, Forbes, <http://www.forbes.com/sites/work-in-progress/2013/12/05/six-surprising-negotiation-tactics-that-get-you-the-best-deal/#7050cb15db83>

Top Ten Effective Negotiation Skills, Chron, <http://smallbusiness.chron.com/top-ten-effective-negotiation-skills-31534.html>



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