

NEGOTIATIONS

June 25, 2020

Zachary Christensen

Utah State Board of Education

ADA Compliant: July 2020

AGENDA

- Stages of Procurement and Negotiations
- Negotiation Tips
- Negotiation Strategies

PROCUREMENT

- 5 Rights of Procurement

- Right Quantity
- Right Quality
- Right Place
- Right Time
- Right Price

- Stages of Procurement

- Pre-solicitation
- Solicitation
- Contracting
- Contract Performance
- Post contract activities

NEGOTIATE DURING EACH STAGE

PRE-SOLICITATION/ SOLICITATION NEGOTIATION

- PRE-SOLICITATION

- Budget
- Specifications
- Needs v wants
- Timelines
- Stakeholders interests/ requests
- Solicitation Type

- SOLICITATION

- Vendors questions
- Protests
- Specifications

CONTRACTING

- PREPARE, PREPARE, PREPARE

Samuel Taylor Coleridge: He who is best prepared can best serve his moment of inspiration.

- Negotiation Team
- Game Plan/ Goals
 - What can and can't be negotiated
- BATNA
- Cost
- Contract Drafting

CONTRACT PERFORMANCE

- Comply or amend agreement
- Changes necessary or immaterial
 - Key Personnel
 - Payment address
 - Cost
 - Performance Dates
- Assignment

NEGOTIATION TIPS

- Submit all changes at once and in proper format
- Be responsive
- Support changes with explanation or clarification
- Plan ahead

NEGOTIATION STRATEGIES

- Objective of any negotiation should be: create a mutually agreeable decision, that has been effectively achieved and accurately addresses all issues.
- Principles:
 - Separate people from the problem
 - Create options to pursue for issues
 - Focus on interests not positions
 - Use objective criteria

SEPARATE PEOPLE FROM PROBLEM

- Differences of perception-
- Emotions-
- Communication-

FOCUS ON INTERESTS

- Identify problems/ issues/ sticking points
- Identify interests of both parties
- Discuss interests and issues together
- Focus on solutions and path forward NOT on past events
- Be open to new solutions and positions

GENERATE OPTIONS

- Do not get locked into own position
- Brainstorm options and issues
- State problem, analyze problem, options and solutions to problems, actions
- What are items of low cost to you but high interest to them? Same in reverse
- Make sure decision makers are invested and part of process

OBJECTIVE CRITERIA

- If interests are directly opposed, use objective criteria
- Examples
- Things to remember

QUESTIONS?

- Let us never negotiate out of fear; but let us never fear to negotiate.

