

Collaborative Problem Solving: Negotiating in the Legislature

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BUYER Information

Seller's Asking Price: \$100

Total Money in Purse/Wallet: \$70 (this is the highest price you will pay)

You saw a similar tea kettle for \$55 earlier, but you prefer the color of this one.

Your Goal: Get the ***BEST POSSIBLE DEAL***

SELLER Information

Your Asking Price: \$100

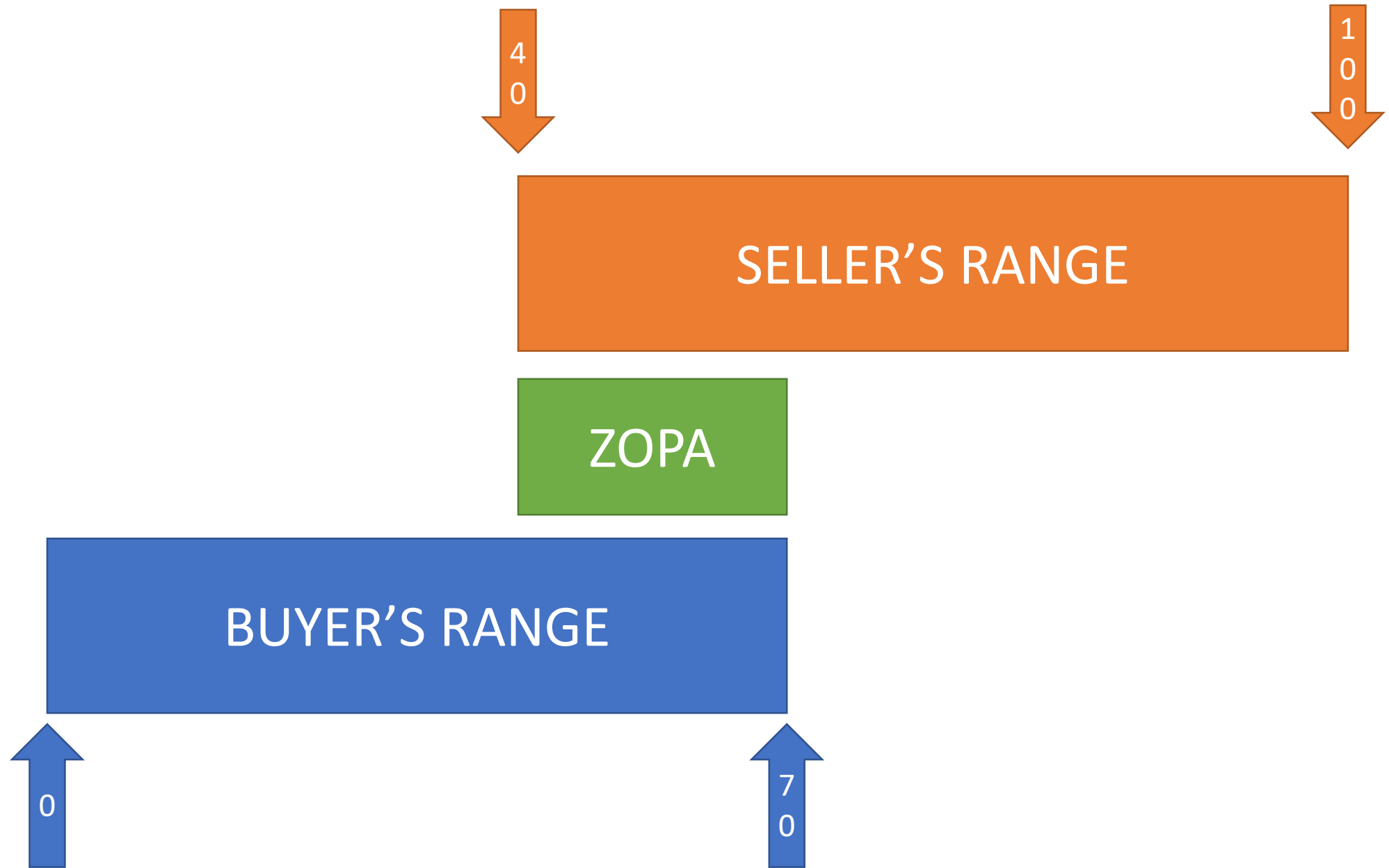
Cost to you from supplier: \$40 (this is the lowest that you will accept)

Best Offer of the Day: \$55 (this customer claimed that he would come back)

Your Goal: Get the ***BEST POSSIBLE DEAL***

ZOPA: *Zone of Possible Agreement*







TWO PROBLEM SOLVING PARADIGMS

Positional Bargaining



Collaborative



What is Positional Bargaining?

A negotiation strategy that asserts a **POSITION** of what you want and argues for it alone, *regardless of any underlying INTERESTS*.



“The fellow who says he’ll meet
you halfway is usually standing
on the dividing line.”

Orlando Battista

COLLABORATIVE PROBLEM SOLVING

A negotiation mindset that looks for creative ways to meet the *INTERESTS* of both parties.

“The art of letting other people have it your way.”

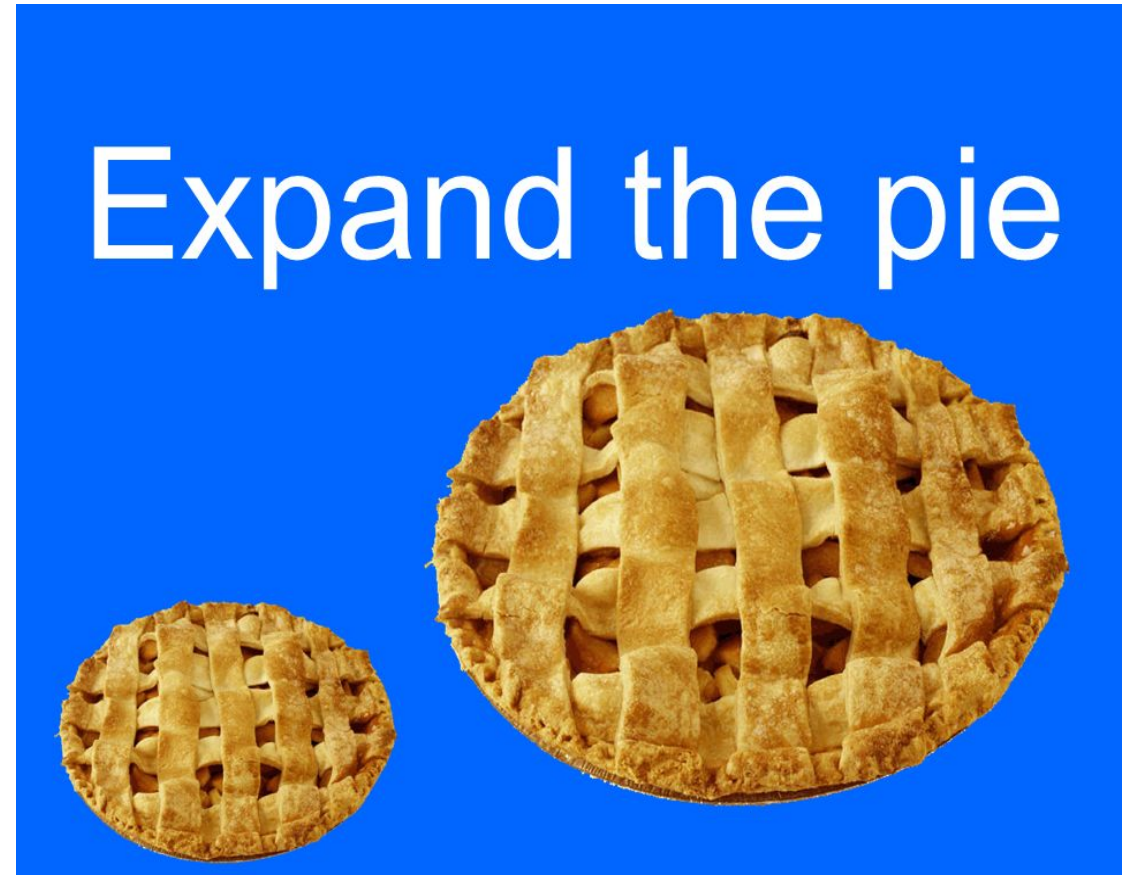
“Write the other side’s victory speech.”

POSITIONAL vs. COLLABORATIVE

The PIE IS FIXED— get biggest piece



EXPAND THE PIE— then divide it up



“You must never try to make all the money in a deal. Let the other person make some money too, because if you have a reputation for always making all the money, then you won’t have many deals.”

J. Paul Getty



PRINCIPLES OF COLLABORATIVE PROBLEM SOLVING

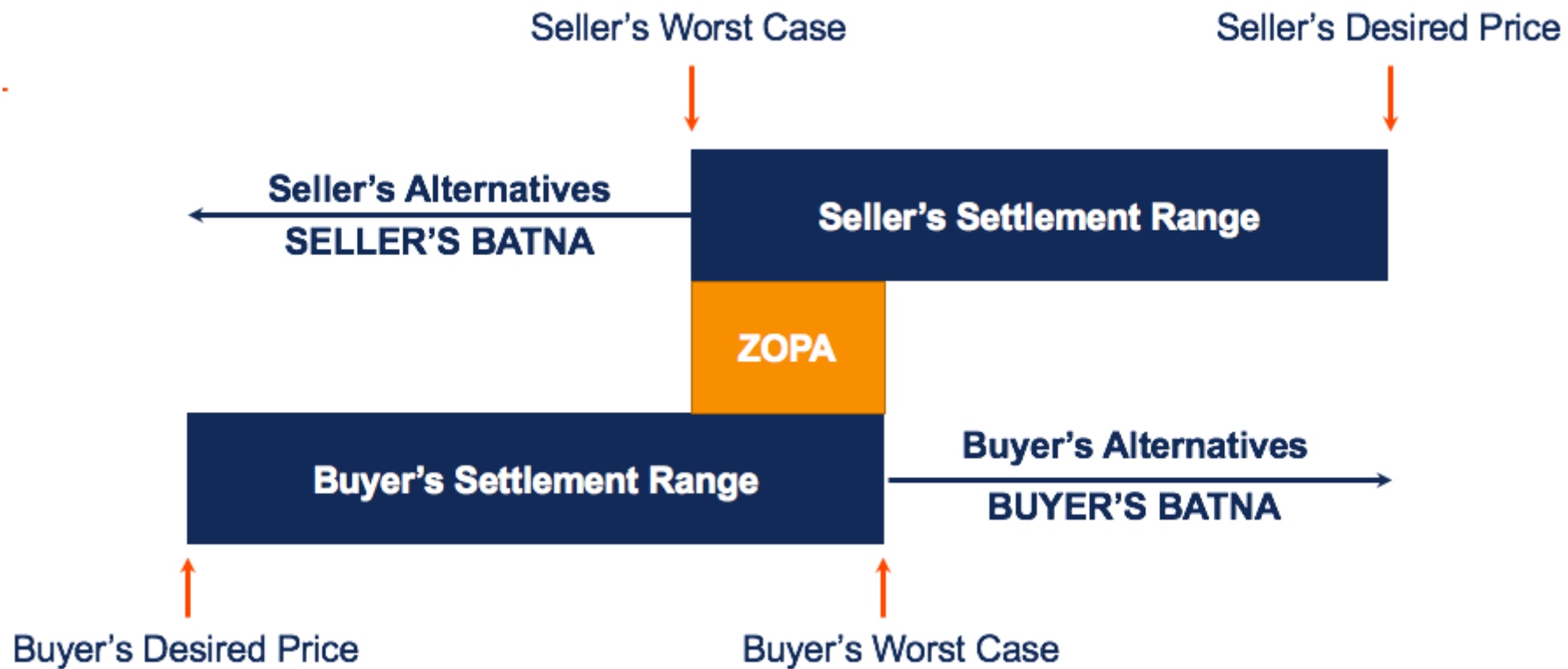
Alternatives
Interests
Options
Legitimacy

ALTERNATIVES

“What am I going to do if I don’t make a deal?”

What are my *ALTERNATIVES*?

BATNA: “Best Alternative to a Negotiated Agreement”



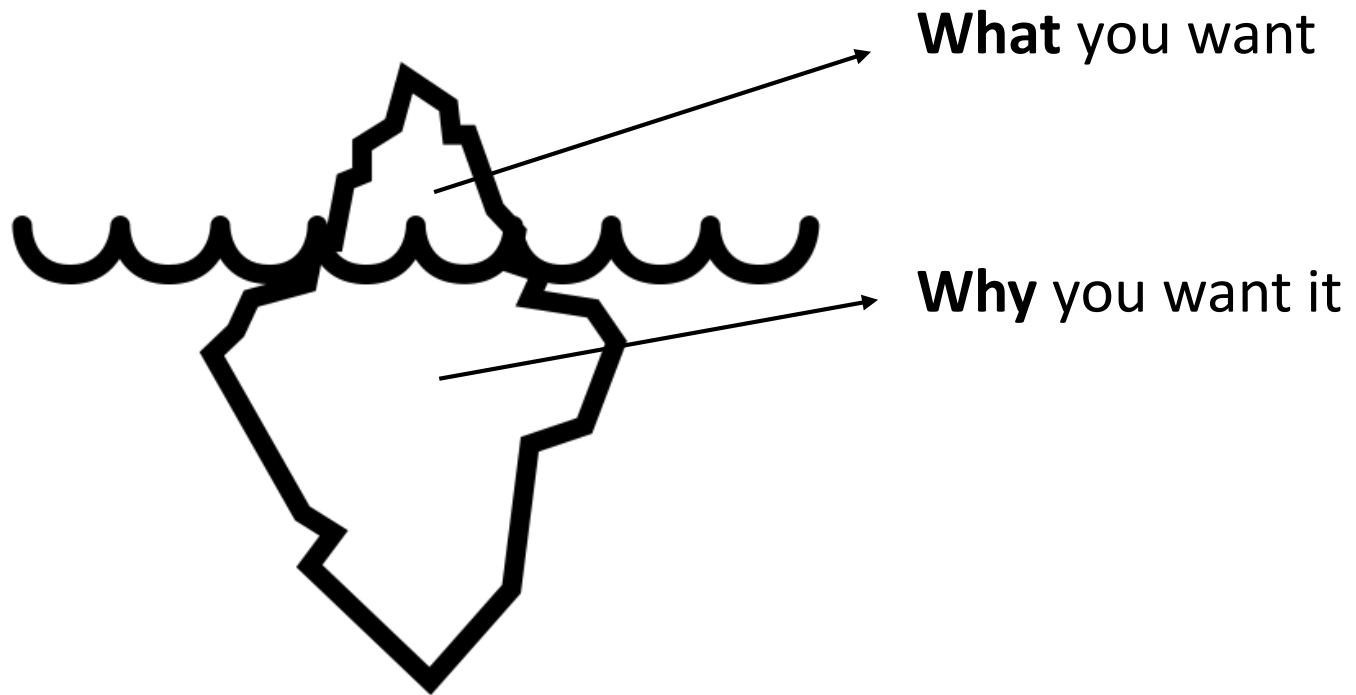


INTERESTS

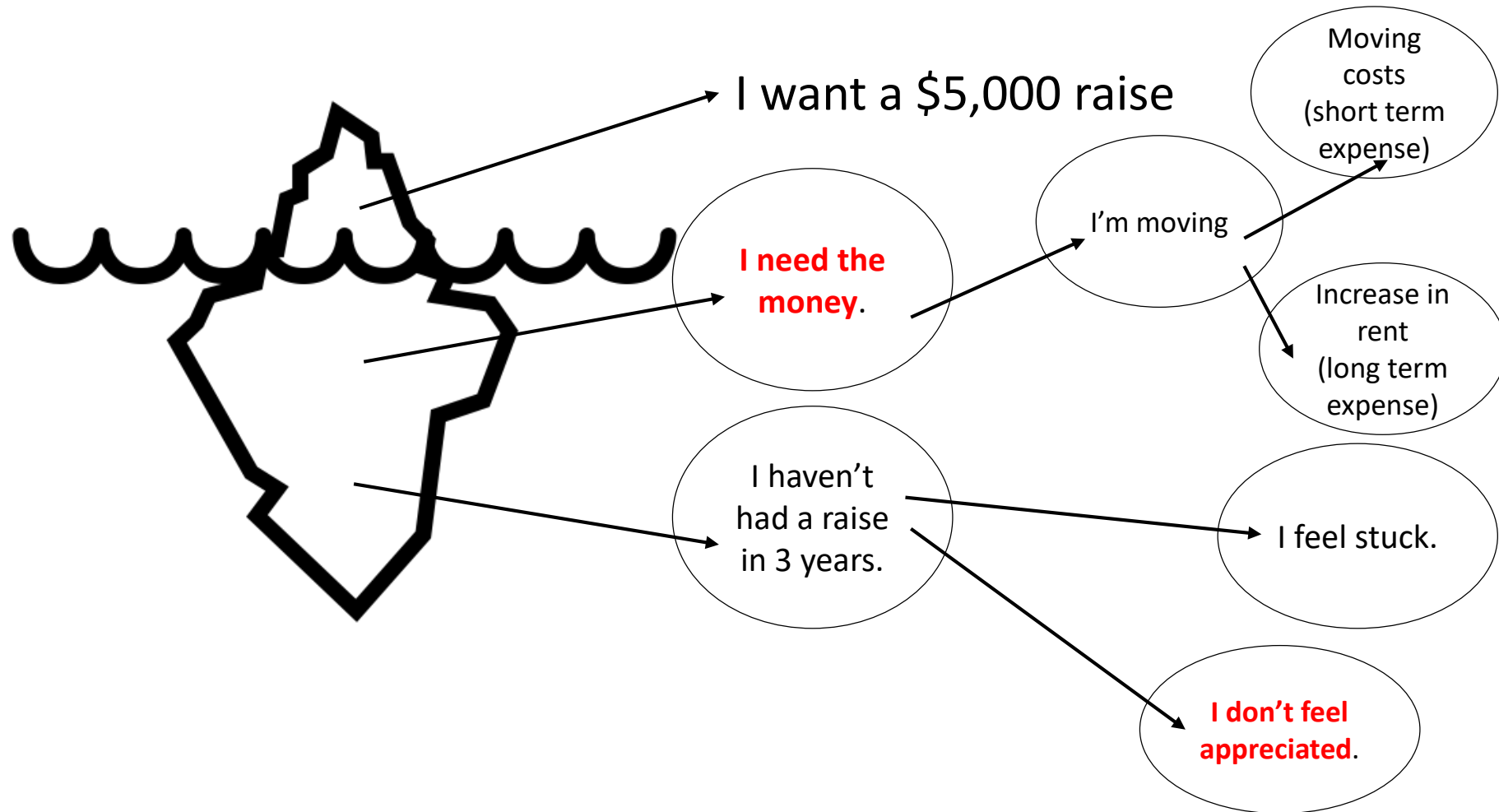
What somebody
REALLY wants

Interests are the
WHY behind the
Position

Positions vs. Interests



Positions vs. Interests

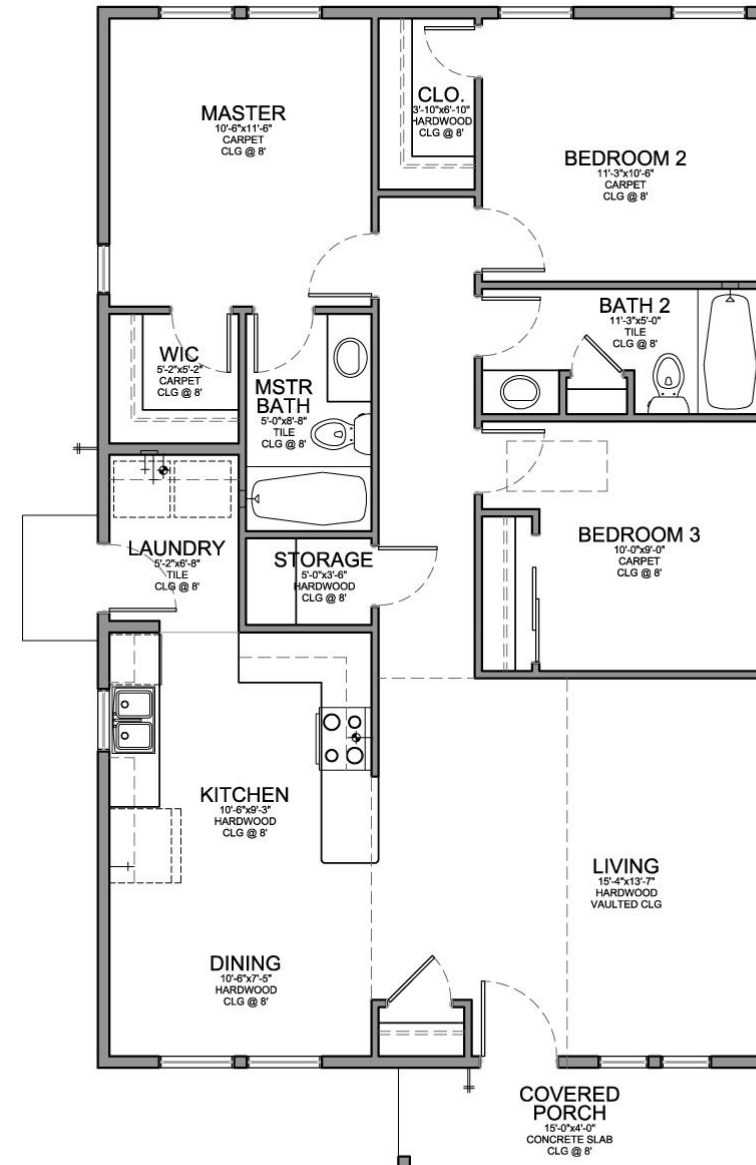


“The best move you can make in a negotiation is to think of an *interest* the other person hasn’t thought of— *and then meet it!*”

Eli Broad

POSITION:

“I need a 3rd
Bedroom!!”





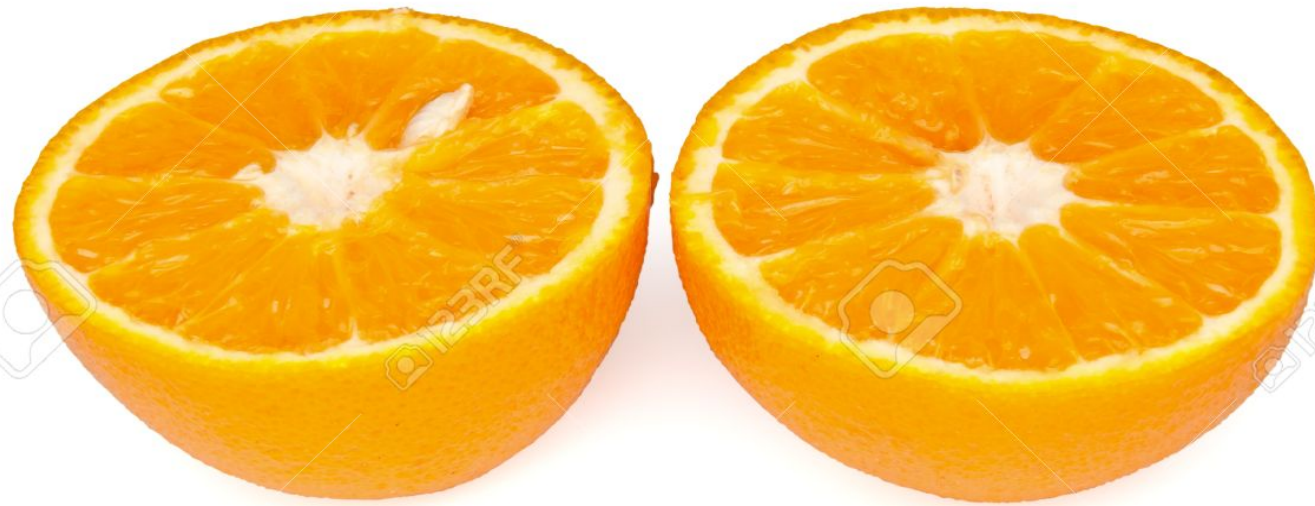
OPTIONS

Finding creative ways to fulfill the maximum amount of total *INTERESTS*.

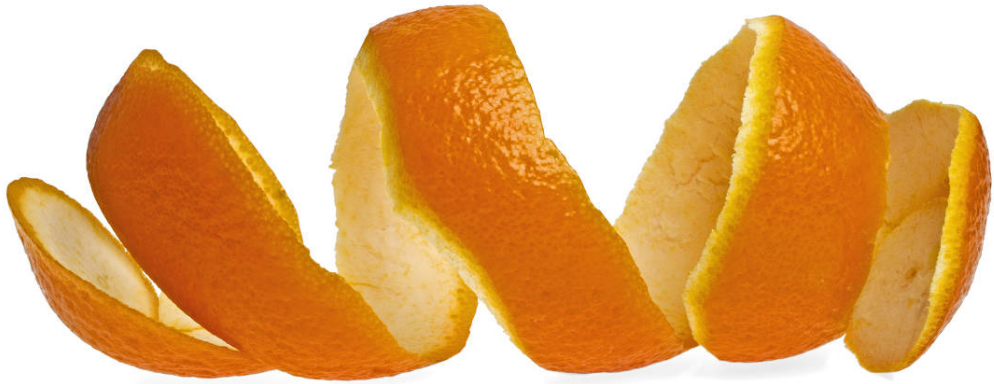
“What if we...?”

“What would be wrong with...?”

The ORANGE: Option One



The ORANGE: Option Two





INTEREST:
Workout space

*POSITION:
“Third
Bedroom!”*

LEGITIMACY



LEGITIMACY

Standards of fairness
Criteria or Benchmarks that “legitimize” our
Interests

“Why that number?”

REAL ESTATE COMPS

My house is worth \$1M!!



The average sale price is \$500K



Review of Interest Based Negotiation

Alternatives

What is my best alternative (my BATNA)? How strong is it?

What is my counterpart's BATNA? How strong is it?

Interests

What do I *really* want? What is important to me?

Why do they want what they are asking for (their interests)?

Options

What options might exist to satisfy both of our interests? What options might be *great for me and good enough* for them?

Legitimacy

What standards or objective criteria exist to legitimize these options?



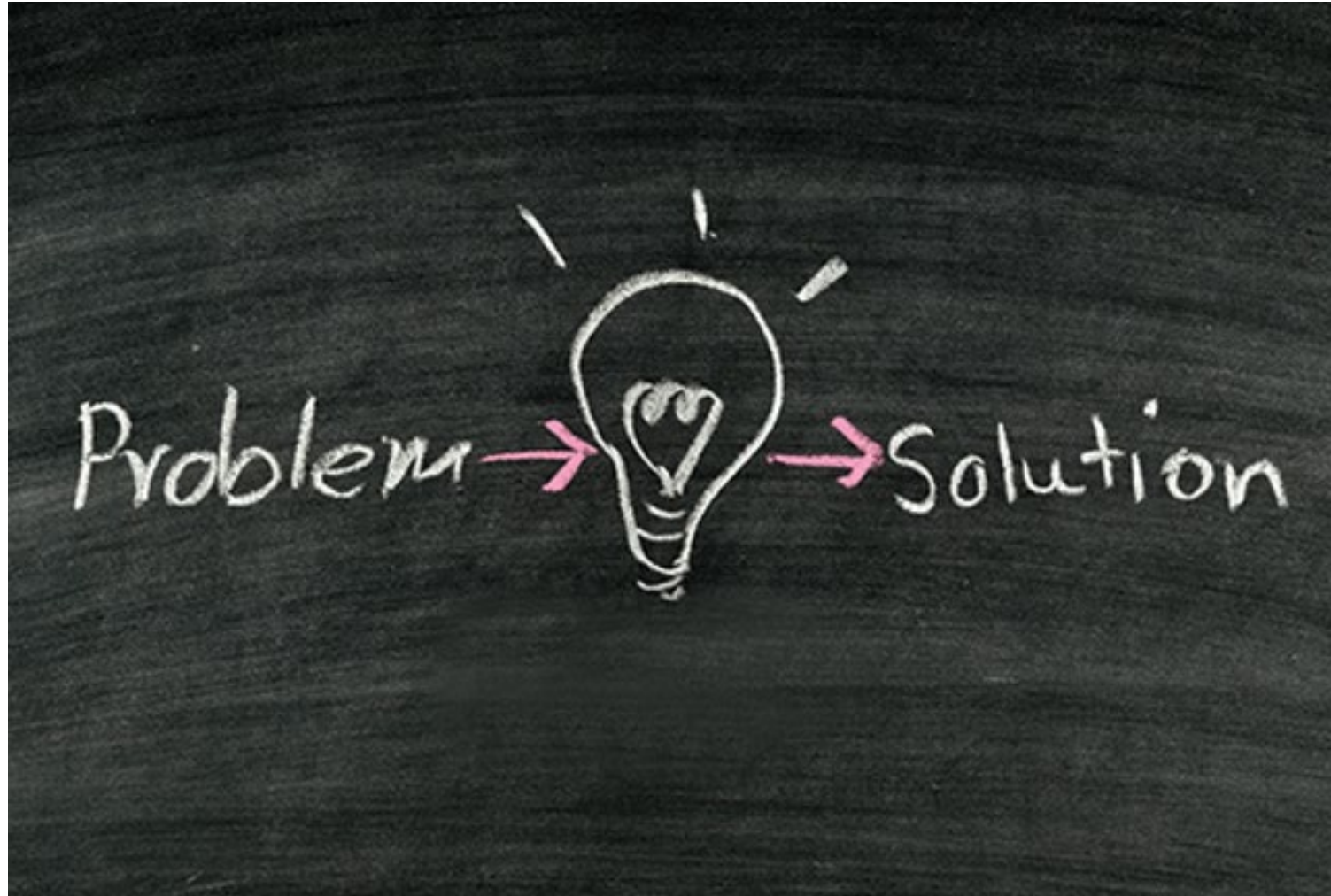
5 Tips for Negotiating Successfully in the Legislature

How Do I Expand the Pie?





Consider their
POLITICAL
Interests Too



Always
Put The
PROBLEM
First



What if
they're being
a JERK?



You MUST
have a
RELATIONSHIP

WRAP UP



Positional Bargaining vs.
Collaborative Problem Solving

Fixed Pie vs Expand the Pie

Focus on Interests and Options



FINAL EXAM |