

ADR and Federal Procurement



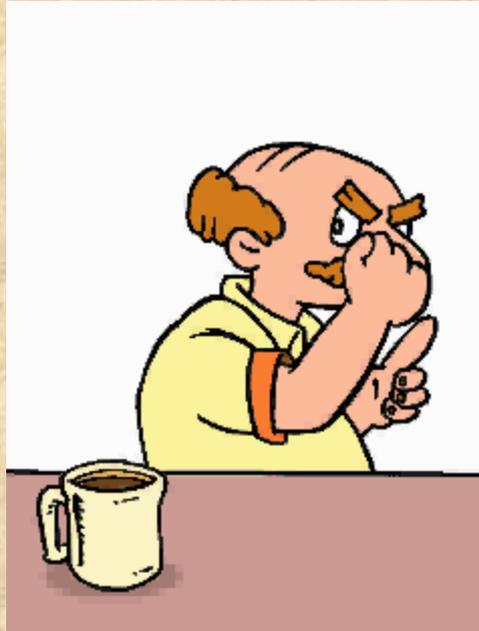
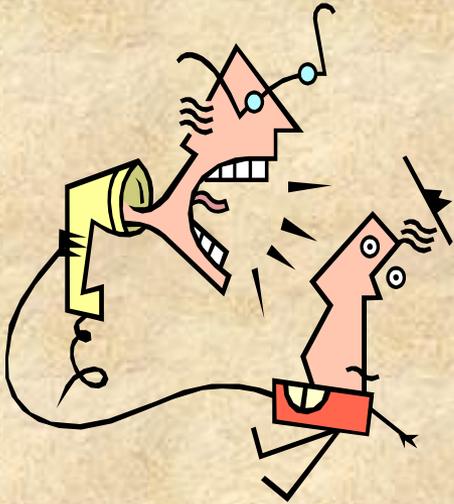
Presented by:
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Interaction of Power, Rights, & Interests

- u Power: Determine who is more Powerful
 - acts of aggression
 - withholding benefits from the relationship
- u Rights: Determine Who is More Right
 - law or contract
 - seniority, reciprocity, fairness
- u Interests: Reconcile Underlying Interest
 - needs, desires, concerns, fears



Avoidance, Violence, Litigation, Negotiation



u Avoidance

- fighting with a spouse who doesn't respond to you: you want to fight, but they won't say anything

u Violence

- school children on the playground

u Litigation

- divorce - get lawyers and you duke it out in court

u Negotiation

- assisted or unassisted

Negotiation

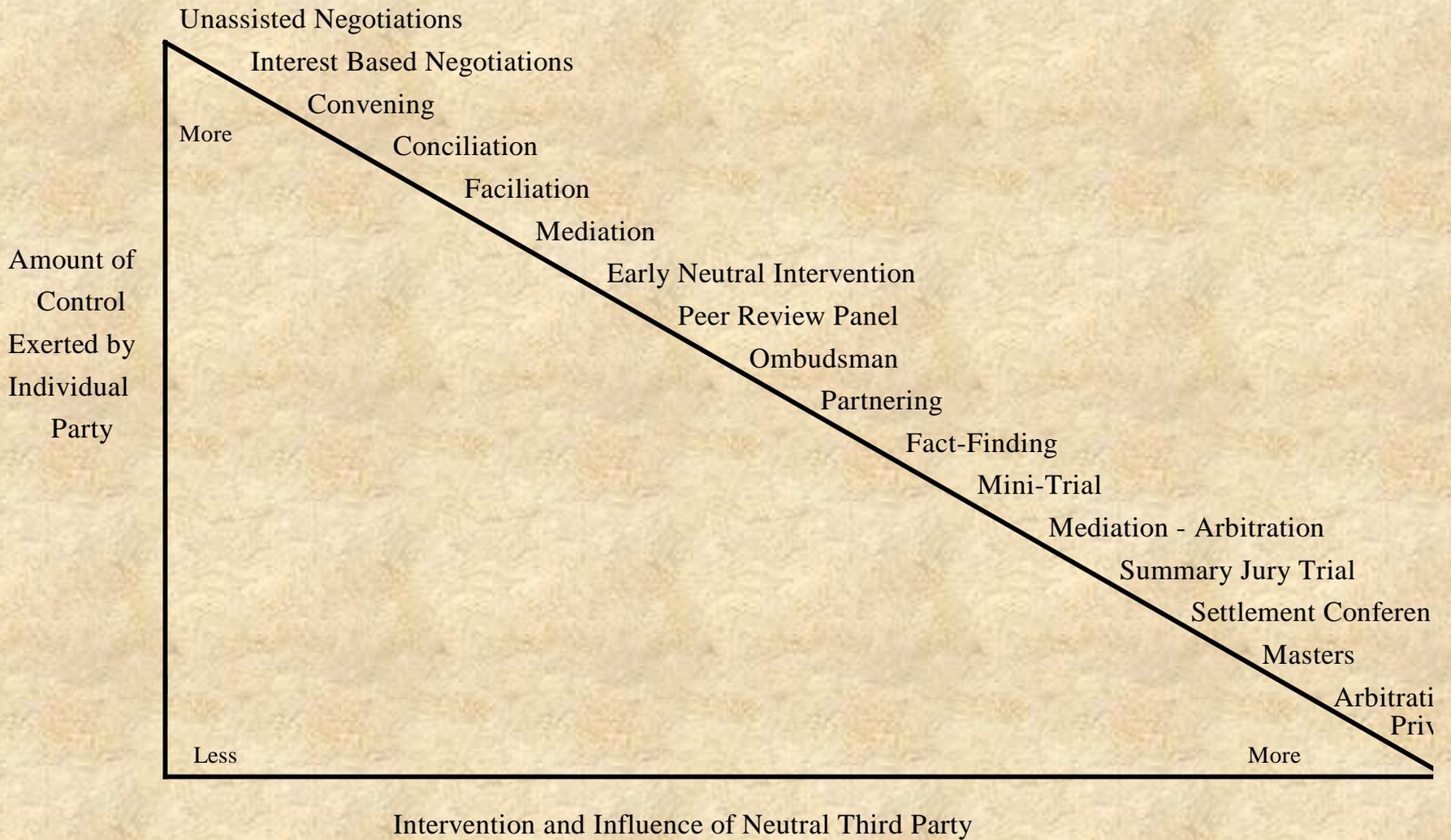
- u Various Environments
 - parties intend to work together afterward
 - parties have not had, nor intend future dealings
 - previous relationship will continue with some animosity and tension
- u Various Goals
 - competitor
 - defender
 - problem solver
- u Various Techniques
 - subtle messenger
 - user of time constraints
 - wolf in sheep's clothing
 - start high
- u Principled Negotiation



Principled Negotiation

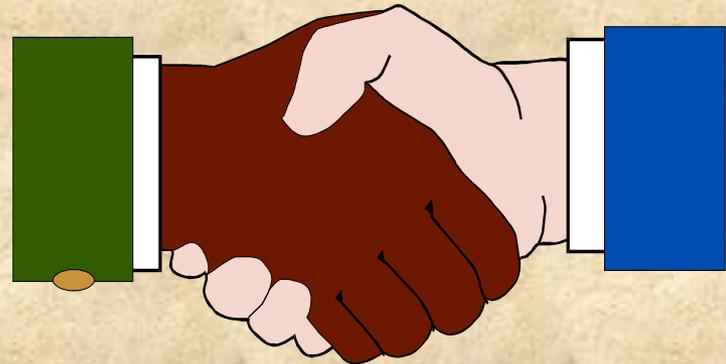
- u Interests
 - legal, short and long term, political, personal or emotional, timing conditions
- u Options
 - possibilities
- u Alternatives
 - BATNA
 - WATNA
- u Legitimacy
 - objective criteria
- u Commitments
 - intentions
- u Communications
 - information flow
- u Relationship
 - interaction





Benefits of ADR

- u Has the potential to resolve disputes faster and at less cost
- u Usually, the parties maintain more control over the process and the outcome
- u Can provide a foundation for an improved relationship between the parties



Mediation

- u Favored technique
- u Generally involves a mediator structuring the environment to have principled negotiation
- u If no settlement, can continue formally
- u Parties decide
- u Can be effective even when you say: “No way can these parties settle”
- u Useful in many arenas

