



doi 10.5281/zenodo.8367744

Vol. 06 Issue 08 August - 2023

Manuscript ID: #01017

## TEACHING MATERIALS ON SECURITY TECHNICIAN BUSINESS NEGOTIATION

Murillo de Oliveira Dias

Coordinator of DBA Programsat Fundação Getulio Vargas, Brazil

Fundação Getulio Vargas, Brazil- Praia de Botafogo 190, Rio de Janeiro, Brazil, ZIP Code 22250900

*Corresponding author:* murillo.dias@fgv.br

### ABSTRACT

The current study focuses on a case analysis of a security business negotiation in Brazil. The primary aim of this program is to enhance the negotiating skills of business negotiators, academics, and practitioners. This finding is achieved via a role-play simulation that involves two sides and several topics. The current legal issue concerns a government-owned firm and a privately-owned software manufacturer, arising within a month before their two-year contractual arrangement is terminated. The primary findings emphasized the need to improve integrative strategies, which include understanding the opposing party's underlying interests and creating value to achieve mutually advantageous agreements. The research suggests that the results have the potential to be replicated in other business environments, especially ones that exhibit power imbalances. The present research article culminates in a comprehensive discussion and offers suggestions for further investigations.

### KEYWORDS

Negotiation, Locksmith, security technician, Teaching materials.



## INTRODUCTION: -

This article focuses on a specific case study involving the negotiation of a commercial contract between two private enterprises, which serves as the primary unit of analysis (Yin, 1988). The discussion took place in Linhares, a municipality in the southern region of Espírito Santo, Brazil. In order to adhere to confidentiality regulations, the companies' names and the participants' identities were altered in the research. However, it is essential to recognize that the scenario, as mentioned earlier, is genuine, and the negotiation process culminated in the latter half of 2023. The article encompasses an extensive compilation of educational resources and recommendations (refer to Appendices II and III). This endeavor aimed to create an extensive compilation of educational materials pertaining to negotiating software contracts. This collection aims to support individuals in many fields, such as education, research, law, academia, training, mediation, policy-making, and industry.

In recent scholarly discourse, there has been a notable focus on teaching materials (Dias et al., 2020; Dias, 2020, 2019; Dias & Lopes, 2019; Dias & Teles, 2018; Dias & Duzert, 2017; Dias & Navarro, 2017). However, it is essential to note that there is no commercial negotiation within the context of a locksmith retail firm called "Seller."

Negotiation has been defined as a “process of communication by which two or more parties seek to advance their interests or those of the persons they represent through an agreement on the desired future action” (Salacuse, 2003, p. 11).

The Four-Type negotiation matrix described by Dias (2020) was used in this investigation. The current situation involves a dialogue between a seller and a buyer, including several challenges. This negotiation may be categorized as a Type II negotiation, as detailed in Figure 1 provided.



**Figure 1:** The Four-Type Negotiation Matrix. Source: Dias, 2020. Reprinted under permission.

The Four-Type negotiation matrix presents a comprehensive framework for classifying negotiations based on extensive academic research conducted by scholars in the field (Dias, 2020; Raiffa, 1982; Fisher et al., 1981; Sebenius, 1992; Ury, 2015; Susskind & Field, 1996; Salacuse, 2008; Rinehart & Page, 1992; Pruitt & Rubin, 1986). In the next section, we shall delineate the approaches used and deliberate on the inherent limits associated with the chosen situations. The red rectangle in Figure 1 highlights the Type II bargaining position.

**METHODS AND RESEARCH LIMITATIONS: -**

This study is a qualitative, inductive, interpretative, single-case investigation focusing on substantial archival research. Yin (2009) defines the unit of analysis as the Brazilian generations in the workplace. The data collection process included gathering secondary data via a comprehensive literature review and archival research.

**ROLE PLAY SIMULATION: SOFTWARE CONTRACT NEGOTIATION: -**

As shown in the table below, the seller has received an urgent order for materials to implement the Automator and control kit for the 400 kg automatic door. The client requested the utmost urgency for the acquisition of the items shown in Table 1, as follows:

Description	Qtd	Price per unit	Total
Automatizador 400 kg	1	18.800,00	18.800,00
Kit Controle	4	150,00	600,00
75 x 40 (4,75)	30	280,00	8.400,00
100 x 100 GAL (14) Metalon	80	30,00	2.400,00
Chapa Piso (1/18) 2000 x 1000	10	550,00	5.500,00
Tubo Avariado 3 x 14 GAL	6 m	26,67	160,00
<b>TOTAL</b>			<b>35.860,00</b>

The Buyer informed the seller that it needed this material, including pipes, plates, and profiles, for the Automator and control of the truck's rear door, with all the budget assembled and affordable price for delivery in 5 days.

The Buyer informed that the Buyer would like to pay R \$ 33,000.00 for the entire order. The Buyer does not disclose but implies that the competition has proposed this discount for cash payment. The seller needs to calculate, then, how much price The seller could make for the Buyer, but the seller needs to know if this value is actual. However, the seller knows that the competitor can only deliver these parts in ten days, and The seller would be able to deliver in 5 (five) days, according to the customer's request. Both parties receive the set of instructions, read the case, prepare to negotiate, according to the set of instructions compiled in the Appendices.

**DISCUSSION: -**

This scenario is a specific instance of buyer-seller negotiation tailored explicitly for in-person classroom engagements or executive training programs. As a result of the COVID-19 epidemic, there is a need to transition to virtual courses, whereby participants are required to participate in distance negotiation.

This scenario exhibits several applications and ramifications across numerous domains and subfields of study, such as (a) Non-governmental organizations (Paradela et al., 2019) (b) The vehicle manufacturing industry (Dias, M., Navarro and Valle, 2013, Dias, M., et al., 2014; Dias, M., et al., 2013); (c) The aircraft manufacturing industry (Dias, M., Teles, and Duzert, 2018; Dias, M. and Duzert, 2018); (iii) Public agents (Dias, M., 2018); (d) Copier manufacturer industry (Dias, M., 2012); (e) Non-market forces (Dias & Navarro, 2018); (f) Retail business (Dias, M., et al., 2015; Dias, M. et al., 2015, 2014); (g) Craft beer industries (Dias, M. and Falconi, 2018; Dias, M., 2018); (h) Social mediation (Dias, M. & Teles, 2018); (i) Governmental business relations (Dias, M. & Navarro, 2017); (j) Generational interactions (Aylmer & Dias, M., 2018); (k) E-business negotiation (Dias & Duzert, 2017); (l) Streaming video industry, such as Netflix (Dias, M., & Navarro, 2018); (m) Mining industry (Dias, M., & Davila, 2018); (n) Civil construction (Dias, M., 2016), finally (o) Debt collection negotiations (Dias, M., 2019, 2019b; Dias, M. & Lopes, 2019).

One limitation of the case study is the artificial nature of the classroom setting, which may result in participants displaying elevated levels of cooperation that may not accurately reflect real-world scenarios. Therefore, the facilitator must consider these contextual factors and build a correlation between the simulation and the real-life setting throughout the briefing and debriefing sessions.

In conclusion, it is essential to understand that although our discussion has primarily centered on the Brazilian context, it is crucial to recognize that other countries may have different rules about government procurement. Therefore, it is essential to customize the legal structure to align with the unique environment of each nation.

## **FUTURE RESEARCH AND LIMITATIONS**

The current investigation focused on analyzing a software contract negotiation between two entities inside the Brazilian environment. Further investigation might examine other contexts, diverse cultural settings, and various geographical areas in future study endeavors. In future research, it is essential to investigate strategies to bolster agreement within the Four-Type Negotiation matrix.

## REFERENCES

- Craveiro, & Dias, M. (2019). Case on Brazilian Health Care Unit on Pulmonary Tuberculosis. *Global Scientific Journals*, 7(12), 613-625. doi: 10.11216/gsj.2019.12.32559
- Cruz, B.S.; Dias, M. (2020). COVID-19: from Outbreak to Pandemic. *Global Scientific Journals*, 8(3), 2230-2238. doi: 10.11216/gsj.2020.03.37636
- Cruz, B.S.; Dias, M. (2020). Crashed Boeing 737-MAX: Fatalities or Malpractice? *Global Scientific Journals*, 8(1), 2615-2624. doi: 10.11216/gsj.2020.01.34917
- Cruz, B.S.; Dias, M. (2020). Does Digital Privacy Really Exist? When the Consumer Is the Product. *Saudi Journal of Engineering and Technology*, 5(2), 0-4. doi: 10.36348/sjet.2020.v05i02.00X
- Dias, M. & Navarro, R. (2018). Teaching Materials: Role Play Simulation on Brazilian Government and Non-Market Forces Negotiation. *European Journal of Training and Development Studies*, 5(4), 45-56. doi: 10.6084/m9.figshare.7834415
- Dias, M. & Navarro, R. (2018). Teaching Materials: Role Play Simulation on Brazilian Government and Non-Market Forces Negotiation. *European Journal of Training and Development Studies*, 5(4), 45-56. doi: 10.6084/m9.figshare.7834415
- Dias, M. (2012). Two Case Studies on how to Deal Effectively with Fixed plus Variable Costs Contracts. *International Journal of Business and Management Studies*, 1(3), 505-515. doi: 10.6084/m9.figshare.7832288
- Dias, M. (2018) Evolution of Cooperative Societies in Brazil. *International Journal of Community and Cooperative Studies*, 6(4), 1-11. doi: 10.6084/m9.figshare.7834688
- Dias, M. (2018). Heineken Brewing Industry in Brazil. *International Journal of Management, Technology and Engineering*, 8(9), 1304-1310. doi:16.10089/IJMTE2156
- Dias, M. (2018). Light Vehicle Vehicle in Rio de Janeiro: Alternative to Public Transportation in Brazil? *Australian Journal of Science and Technology*.2(4), 187-193. doi: 10.6084/m9.figshare.7833362
- Dias, M. (2018). O agente público e a confiança circunstancial: validação do modelo de escala. *International Contemporary Management Review*, 1(2), 1-17. doi: 10.6084/m9.figshare.7834697
- Dias, M. (2018). Theoretical Approaches on Trust in Business Negotiations. *Saudi Journal of Business and Management Studies*,3(11), 1228-1234. doi: 10.21276/sjbms.2018.3.11.5
- Dias, M. (2019). Air Passenger Transportation in Brazil. *Global Scientific Journals*. 7(10), 310-317. doi:10.13140/RG.2.2.26800.71688
- Dias, M. (2019). Air transportation in Brazil: Guarulhos International Airport. *South Asian Research Journal of Business and Management*, 1(4), 182-187. doi: 10.36346/sarjbm.2019.v01i04.004

- Dias, M. (2019). Brasilia International Airport and the Evolution of Civil Aviation in Brazil. *East African Scholars Journal of Economics, Business and Management*, 2(12), 734-737. doi: 10.36349/EASJEBM.2019.v02i12.038
- Dias, M. (2019). Brazilian Legislation on Executive Power: Provisory or Permanent Measures? *Scholars International journal of Law, Crime and Justice*, 2(10), 336-341. doi: 10.36348/SIJLCJ.2019.v02i10.007
- Dias, M. (2019). Current Facts on Brazilian Cooperative Societies. *Global Scientific Journals*, 7(9), 624-633. doi:10.13140/RG.2.2.26553.72808
- Dias, M. (2019). Is it Worth Competing at the Bargaining Table? *Global Scientific Journals*, 7(9), 1-14. doi: 10.13140/RG.2.2.11557.45288
- Dias, M. (2019). New Structure on Cooperative Societies in Brazil: *International Journal of Management, Technology and Engineering*, 9(8), 202-214. doi:16.10089/IJMTE.2019.V9I8.19.29123
- Dias, M. (2019). People, Process, and Substance: Current Definitions on Negotiation. *International Journal of Commerce and Economics*, 1 (3), 1-9. doi: 10.13140/RG.2.2.15836.95360
- Dias, M. (2019). Santos Dumont Airport: Civil Aviation in Rio de Janeiro, Brazil. *Saudi Journal of Engineering and Technology*, 4(10), 418-421. doi: 10.36348/SJEAT.2019.v04i10.004
- Dias, M. (2019). Teaching Materials on Brazilian Dairy Producer Negotiation. *Global Scientific Journals*, 7(8), 1052-1064. doi: 10.13140/RG.2.2.36690.50881
- Dias, M. (2019). Teaching Materials: Role Play Simulation On Individual Business Debt Collection In Brazil. *Global Scientific Journals*, 7(8), 844-859. doi: 10.11216/gsj.2019.08.26134
- Dias, M. (2020) The Four-Type Negotiation Matrix: A Model for Assessing Negotiation Processes. *British Journal of Education*, 8(5), 26-42. doi: 10.6084/m9.figshare.12389627
- Dias, M. (2020). Air Transportation in Brazil: São Paulo Congonhas Airport. *Global Scientific Journals*, 8(2), 3244-3252. doi:10.11216/gsj.2020.02.35259
- Dias, M. (2020). Case on Domestic Air Passenger Transport Market in Brazil. *The Journal of Middle East and North Africa Sciences*, 6(4), 5-9. doi: 10.13140/RG.2.2.12166.73280
- Dias, M. (2020). Fatality, Malpractice, or Sabotage? Case on Craft Beer Poisoning in Minas Gerais, Brazil. *East African Scholars Multidisciplinary Bulletin*, 3(1), 26-31. doi: 10.36349/EASJMB.2020.v03i01.04
- Dias, M. et al. (2014). Dudalina S/A: Case Study on How to Overcome Succession Barriers on a Brazilian Family Business. *Business and Management Review*, 3(12), 217-229. doi: 10.6084/m9.figshare.7834748

- Dias, M. et al. (2015). Brazilian Fashion Business Dudalina S/A: Case Revisited. *International Journal of Business and Management Studies*, 4(1), 11-24. doi: 10.6084/m9.figshare.7834730
- Dias, M. et. al. (2014). Domestic Workers' Rights in Brazil: Improvement of Labor Regulation. *Humanities and Social Sciences Review*, 3(2), 9-21. doi: 10.6084/m9.figshare.7834745
- Dias, M. et. al. (2014). FIAT and Chrysler in Brazil: Anatomy of an Alliance. *International Journal of Business and Management Studies*, 3(1), 1-13. doi: 10.6084/m9.figshare.7834739
- Dias, M., (2016). São Francisco River Transposition Civil Work: Challenges to the Brazilian Economy. *The International Journal of Business & Management*. 4(12), 65-70. doi: 10.6084/m9.figshare.7834724
- Dias, M., and Aylmer, R. (2018) Are the generational interactions in the Brazilian workplace different from other countries? *Global Journal of Human Resource Management*, 6(1), 9-25. doi: 10.6084/m9.figshare.7834634
- Dias, M., Duzert, Y. (2016). Fiat Chrysler Automobiles in Brazil: Alliance Consolidated. *The International Journal Of Business & Management*, 4(2), 160-166. doi: 10.6084/m9.figshare.7834733
- Dias, M., Falconi, Davi. (2018), The Evolution of Craft Beer Industry in Brazil. *Journal of Economics and Business*, 1(4), 618-626. doi: 10.31014/aior.1992.01.04.55
- Dias, M., Lopes, R. (2019). Rail Transportation in Brazil: Challenges and Opportunities. *Arabian Journal of Business and Management Review (Kuwait Chapter)*, 8(4), 40-49. doi: 10.13140/RG.2.2.27687.70568
- Dias, M., Lopes, R. (2020) Will the COVID-19 Pandemic Reshape our Society? *EAS Journal of Humanities and Cultural Studies (EAS J Humanit Cult Stud)*. 2(2), 93-97. doi: 10.36349/EASJHCS.2020.V02I02.013
- Dias, M., Lopes, R. (2020). Air Cargo Transportation in Brazil. *Global Scientific Journals*. 8(2), 4180-4190. doi:10.13140/RG.2.2.30820.32648
- Dias, M., Lopes, R. (2020). Case on fatal Ship Failure Services: Onboard. *Arabian Journal of Business and Management Review (Kuwait Chapter)*, 9(1), 10-19 doi: 10.13140/RG.2.2.14280.26887
- Dias, M., Lopes, R. (2020). Case on Leading Commercial Aircraft in the Brazilian Domestic Aviation Market. *International Journal of Academic Research in Accounting, Finance and Management Sciences*, 10(1), 165-171. doi: 10.6007/IJARAFMS/v10-i1/7064
- Dias, M., Lopes, R., Teles, A. (2020) Could Boeing 737 MAX Crashes be Avoided? Factors that Undermined Project Safety. *Global Scientific Journals*, 8(4), 187-196. doi: 10.11216/gsj.2020.04.38187
- Dias, M., Lopes, R., Teles, A. (2020) Will Virtual Replace Classroom Teaching? Lessons from Virtual Classes via Zoom in the Times of COVID-19. *Journal of Advances in Education and Philosophy*, 4(5), 208-213. doi: 10.36348/jaep.2020.v04i05.004

- Dias, M., Lopes, R., Teles, A., Castro, A., Pereira, A. (2020) Teaching Materials on Extrajudicial Settlement Negotiation. *Global Scientific Journals*, 8(5), 1529-1539. doi: 10.11216/gsj.2020.05.39996
- Dias, M., Navarro, R. (2017). O Fator Confiança em Relações Governamentais e sua importância para o futuro da atividade. *Revista Brasileira de Relações Institucionais e Governamentais*, 1(3), 38-41. doi: 10.6084/m9.figshare.7834697
- Dias, M., Navarro, R. (2018). Is Netflix Dominating Brazil? *International Journal of Business and Management Review*. 6, No.1, 19-32, January 2018. ISSN: 2052-6407. doi: 10.6084/m9.figshare.7834643
- Dias, M., Navarro, R.; Valle, A. (2013). BMW and Brazilian Federal Government: Enhancing the Automotive Industry Regulatory Environment. *International Journal of Arts and Sciences*, 6(2), 551-567. doi: 10.6084/m9.figshare.7834742
- Dias, M., Teles, A. Duzert, Y. (2018) Did Embraer Succeed In Adopting The International Financial Reporting Standards (IFRS) In Brazil? *European Journal of Accounting, Auditing and Finance Research*, 6(2), 51-62. doi: 10.6084/m9.figshare.7834637
- Dias, M., Teles, A., Duzert, Y. (2018) Will Boeing Succeed with the Embraer Acquisition Operation, Despite the Brazilian Federal Government Golden Share Veto? *International Journal of Business and Management Review*, 6(2), 55-64. doi:10.6084/m9.figshare.7834718
- Dias, M.; (2018). Seven supportive Theories on Negotiation. *Global Journal of Research Analysis*, 7(11), 493-494. doi:10.15373/22778160. doi: 10.6084/m9.figshare.7834349
- Dias, M.; Alves, H.; Pezzella, M. (2016) São Francisco Valley: Vitiviculture Activities in the Brazilian Unthinkable Semiarid Climate and its Challenges. *International Journal of Business and Management Review* 4(10), 1-13. doi: 10.6084/m9.figshare.7834727
- Dias, M.; Aylmer, R. (2018) Is the Brazilian Civil Service reform about to succeed? *Global Journal of Political Science and Administration*, 6(2), 13-25. doi: 10.6084/m9.figshare.7834694
- Dias, M.; Aylmer, R. (2019) Behavioral Event Interview: Sound Method for In-depth Interviews. *Arabian Journal of Business and Management Review (Oman Chapter)*, 8(1), 1-6. doi:10.13140/RG.2.2.18327.62881
- Dias, M.; Craveiro, F. M. (2019). Brazilian Agriculture Cooperative: Vinícola Aurora Case. *International Journal of Management, Technology and Engineering*. 9(3), 2551-2561. doi: **16.10089.IJMTE/2019.V9I3.19.27743**
- Dias, M.; Davila Jr., E. (2018) Overcoming Succession Conflicts in a Limestone Family Business In Brazil. *International Journal of Business and Management Review*, 6(7), 58-73. doi: 10.6084/m9.figshare.7834703
- Dias, M.; Duzert, Y. (2017). Teaching Materials: Role Play Simulation on E-Business Negotiation. *European Journal of Training and Development Studies*, 4(3), 1-15. doi: 10.6084/m9.figshare.7834655



- Dias, M.; Duzert, Y. (2017). Teaching Materials: Role Play Simulation on E-Business Negotiation. *European Journal of Training and Development Studies*, 4(3), 1-15. doi: 10.6084/m9.figshare.7834655
- Dias, M.; Duzert, Y. (2019). Teaching Materials: Role Play Simulation on Romantic Involvement In The Workplace. *International Journal of Management, Technology and Engineering*, 9(1), 124-133. doi:16.10089/IJMTE.2019.V9I01.18.27418
- Dias, M.; Duzert, Y. (2019). Teaching Materials: Role Play Simulation on Romantic Involvement In The Workplace. *International Journal of Management, Technology and Engineering*, 9(1), 124-133. doi:16.10089/IJMTE.2019.V9I01.18.27418
- Dias, M.; Duzert, Y., Teles, A. (2018). Boeing, Brazilian Federal Government, And Embraer: Golden Share Veto and The Anatomy of a Joint Venture. *International Journal of Business and Management Studies*, 7(2), 71–80. doi: 10.13140/RG.2.2.14972.18563
- Dias, M.; Krein, J.; Streh, E.; Vilhena, J. B. (2018) Agriculture Cooperatives in Brazil: Cotribá Case. *International Journal of Management, Technology and Engineering*, 8(12). doi:16.10089.IJMTE.2018.V8I12.17.2243
- Dias, M.; Lopes, R. (2019). Role Play Simulation on Farm Debt: Brazilian Case. *SSRG International Journal of Humanities and Social Science*, 6(4), 84-93doi:10.112/gsj.2019.08.26384
- Dias, M.; Lopes, R. (2019). Teaching Materials: Role Play Simulation on Small Business Debt Collection In Brazil. *International Journal of Management, Technology and Engineering*, 9(8), 237-249. doi:16.10089/IJMTE.2019.V9I8.19.29127
- Dias, M.; Lopes, R. (2019). The Evolution of Civil Aviation in Brazil: Rio De Janeiro International Airport Galeão/Tom Jobim. *JResLit Journal of Science and technology*, 1(2), 1-6. doi: 10.13140/RG.2.2.15920.10242
- Dias, M.; Lopes, R.; Teles, A. (2020). Air Passenger Transportation: Hartsfield-Jackson Atlanta International Airport. *Journal of Xidian University*, 14(3), 78-84. doi: 10.13140/RG.2.2.32181.42726
- Dias, M.; Lopes, Raphael (2019). Role Play Simulation on Farm Debt: Brazilian Case. *SSRG International Journal of Humanities and Social Science*, 6(4), 84-93doi:10.112/gsj.2019.08.26384
- Dias, M.; Lopes, Raphael (2019). Teaching Materials: Role Play Simulation on Small Business Debt Collection In Brazil. *International Journal of Management, Technology and Engineering*, 9(8), 237-249. doi:16.10089/IJMTE.2019.V9I8.19.29127
- Dias, M.; Ramos, M. (2018). Credit Cooperatives in Brazil. *International Journal of Science and Research (IJSR)*, 7(10), 598-603. doi: 10.21275/ART20191901

- Dias, M.; Ribeiro, Ana Paula; Lopes, Raphael (2019). When customers do not pay: A Winning Negotiation Case in Brazil. *Journal of Economics and Business*, 2(2), 431-447. doi: 31014/aior.1992.02.02.99
- Dias, M.; Teles, A. (2018). Teaching Materials: Three-Party Role Play Simulation on Brazilian Social Mediation Case. *European Journal of Training and Development Studies*, 5(4), 10-25. doi: 10.6084/m9.figshare.7834700
- Dias, M.; Teles, A. (2018). Teaching Materials: Three-Party Role Play Simulation on Brazilian Social Mediation Case. *European Journal of Training and Development Studies*, 5(4), 10-25. doi: 10.6084/m9.figshare.7834700
- Dias, M.; Teles, Andre (2018). From Animal Traction to LRV: Public Rail Transportation in Rio de Janeiro. *International Journal of Science and Research*, 7(11), 765-770. doi: 10.21275/ART20192818
- Dias, M.; Teles, Andre (2018). General Elections 2018 in Brazil: is Democracy Restored? *International Journal of Advanced Research*, 6(10), 1253-1264. doi:10.21474/IJAR01/7932
- Dias, M.; Teles, Andre (2019). [Facts and Perspectives on Craft Brewing Industry in Brazil](#). *International Journal of Management, Technology and Engineering*, 9(2), 1020-1028. doi:16.10089/IJMTE.2019.V9I21.18.28020
- Fisher, R. Ury, W. and Patton, B (Editor). (1981). *Getting to Yes: Negotiating an Agreement without Giving in*. US: Random House.
- Karpman, S. (1968). Fairy tales and script drama analysis. *Transactional analysis bulletin*, 7(26), 39-43.
- Lax, David. (1985) Optimal Search in Negotiation Analysis. *The Journal of Conflict Resolution*, 29(3), 456-472.
- Lax, D.A., & Sebenius, J.K. (1986). *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain*.
- Moore, C.W. (2003). *The Mediation Process: Practical Strategies for Resolving Conflict*. San Francisco (California) and London: Jossey-Bass.
- Pruitt, D.G. & Rubin, J.Z. (1986). *Social conflict: Escalation, Stalemate, and Settlement*. New York: McGraw-Hill.
- Raiffa, Howard. (1982). *The Art and the Science of Negotiation: How to Resolve Conflicts and get the Best out of Bargaining*. Cambridge, MA: Harvard University Press.
- Rinehart, L. and Page, T. (1992) The Development and Test of a Model of Transaction Negotiation. *Journal of Marketing*, 56(4), 18-32.
- Salacuse, J. (2008). *Seven Secrets for Negotiating with Government: How to Deal with Local, State, National, Or Foreign Governments – And Come Out Ahead*. New York: Amacom.

- Sebenius, J. (1992). Negotiation Analysis: A Characterization and Review. *Management Science*, 38(1), 18-38.
- Susskind, L. and P. Field (1996), *Dealing with an Angry Public: The Mutual Gains Approach to Resolving Disputes*. New York: Free Press.
- Susskind, Lawrence; Cruikshank, Jeffrey (2006) *Breaking Roberts Rules: The New Way to Run Your Meeting, Build Consensus, and Get Results*. New York: Oxford Press.
- Susskind, Lawrence; Cruikshank, Jeffrey. (1987). *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*. New York, NY: Basic Books.
- Ury, W. (2015). *Getting to Yes with Yourself and Other Worthy Opponents*. MA: Harper Collins.
- Yin, R. (1988) *Case Study Research: Design and Methods*. Newbury Park, CA: Sage Publications.

### APPENDIX I -Teaching Notes

**Scenario:** The presented case illustrates the difficulties faced by the involved parties in their endeavors to avert the termination of a software contract, ultimately leading to a financial detriment. When analyzing foreign countries, it is essential to consider their unique legal systems and special considerations, including differences in negotiating protocols.

**Mechanics:** It is advisable for the parties engaged to dedicate 30 minutes to 1 hour to conduct a comprehensive examination of the case and sufficiently equip themselves for the negotiating proceedings. Negotiation mapping is strongly advised as an additional resource to enhance the preparatory phase of negotiations. It is recommended that a negotiating session lasting between 30 minutes and 1 hour be undertaken, followed by a debriefing session lasting between 30 minutes and 1 hour. The exercise requires a time commitment spanning 90 minutes to 180 minutes.

**Major Lessons:** The primary aim is to shift from distributive to integrative negotiations, focusing on identifying and resolving underlying interests. Cultivating empathy and prioritizing the timely production of mutual value, which may be distributed, are crucial.

**Objectives:** This exercise aims to analyze the participation of lawyers in a distributive negotiation of Type II. Negotiation is not seen as an invasive activity aimed at fostering disruption but rather as a method to aid the consensus-building process between two separate parties. One fundamental objective relates to the management of processes.

MAIN FEATURES	
<b>Time required</b>	1 hour – 2 hours
<b>Number of participants</b>	2 parties, buyer and seller
<b>Groups involved</b>	No
<b>Agent present</b>	No
<b>Third part present</b>	No

**APPENDIX II – PARTIES' ROLES****PART 1****CONFIDENTIAL INFORMATION FOR THE****◆◆ BUYER◆◆**

You are the Buyer of the automatic door. You have a demand of maximum urgency of purchase of, as shown in the table below, for the implementation of the automator and control kit for automatic door of 400 kg. You requested the utmost urgency for the acquisition of the items shown in Table 1, as follows:

**Table 1 - List of Buyer's items obtained from the competition**

Description	Qtd	unit	total
150 x 50 x 17 GAL	200	230,00	46.000,00
Cantoneira GAL - 1 1/4 x 18	120	90,00	10.800,00
75 X 40 sm GAL (14)	80	150,00	12.000,00
Telhas pré-pintadas - cor branca (0,43 mm): 20 pc de 7m, 15 pc de 6m, 20 pc de 4,5m, 7 pc de 2,8m	400 m <sup>2</sup>	267,50	107.000,00
ACM 20 peças ouro escovado 1,5 x 5	20	630,00	12.600,00
Barra redonda GAL 3/8"	30	80,00	2.400,00
<b>TOTAL</b>			<b>190.800,00</b>

You informed that you needed this material, including pipes, plates and profiles, for the automator and control of the rear door of the truck, with all the budget assembled and affordable price for delivery in 5 days, but you can wait up to 10 days (but did not pass this information to the seller yet).

The Seller informed that it can cover the proposal of the competition and that it owns all the parts. Very good. You would like to pay \$33,000 for the entire order. But it is willing to reach R \$ 35,000.00 in cash. Installments, maximum in 4 times. However, you know that the competitor can only deliver these parts in ten days and you would like the delivery in 5 (five) days.

You went to the Locksmith's House and told the salesman that you liked the way you were treated, because you got up and went to him, something that no competitor had done until today. You've reached your mid-70s and own a fleet of trucks. He said that instead of sending your employees to come negotiate, you preferred to come to see up close who you were going to talk to, and he said that the form of treatment counts a lot and that the competitor "didn't even make a point," in his own words.

You've seen all kinds of competitors, those who only promise but don't deliver, and those who fulfill what has been asked of them. You did not know Casa do Locksmith when the seller asked you,

but you said that you had been buying from the competitor for many years, but that the competitor had been facing some problems, such as deficiency in service, due to the more experienced employees having recently retired. According to you, the new employees didn't know anything, but what drew the most attention was the neglect. You revealed that you stayed to return and didn't, that you decided to "give you an opportunity to prove your worth," in your own words.

You know that if you get a great deal, you can have a great partner for future purchases. You are willing to do anything to close this order solve the problem with one of the trucks in the fleet. Soon, it will be the entire fleet. Will Casa do Serralheiro provide a great service?

At the same time, you are willing to accept the improvement of your customer's order, either by including optional items, or in the matter of delivery and forms of payment. Therefore, trading involves (1) Prices; (2) Items, (3) form of delivery and (4) forms of payment.

Prepare to negotiate with the Seller.



**PART 2****CONFIDENTIAL INFORMATION FOR THE****◆◆ SELLER◆◆**

You are the Seller of the Locksmith's House. As shown in the table below, you have received an urgent request for materials to implement the shed in your city. The client requested the utmost urgency for the acquisition of the items shown in Table 1, as follows:

*Table 2 - List of Buyer's items obtained from the competition*

Description	Qtd	unit	total
150 x 50 x 17 GAL	200	230,00	46.000,00
Cantoneira GAL - 1 1/4 x 18	120	90,00	10.800,00
75 X 40 sm GAL (14)	80	150,00	12.000,00
Telhas pré-pintadas - cor branca (0,43 mm): 20 pc de 7m, 15 pc de 6m, 20 pc de 4,5m, 7 pc de 2,8m	400 m <sup>2</sup>	267,50	107.000,00
ACM 20 peças ouro escovado 1,5 x 5	20	630,00	12.600,00
Barra redonda GAL 3/8"	30	80,00	2.400,00
<b>TOTAL</b>			<b>190.800,00</b>

The Buyer informed that it needed this material, including pipes, plates and profiles, for the automator and control of the rear door of the truck, with all the budget assembled and affordable price for delivery in 5 days.

The buyer informed that he would like to pay R \$ 33,000.00 for the entire order. The Buyer does not disclose, but implies that the competition has proposed this discount for cash payment. You need to calculate, then, how much price you could make for the buyer, but you don't know if this value is true or not. However, you know that the competitor can only deliver these parts in ten days and you would be able to deliver in 5 (five) days, according to the customer's request.

This customer came up to you and said they liked the way they were treated, because you got up and went to them, which no competitor had done to date. The buyer is a gentleman in his early 70s and owns a fleet of trucks. He said that instead of sending his employees to come negotiate, he preferred to come to see up close who he would talk to, and said that the form of treatment counts a lot and that the competitor "didn't even make a point," in his own words.

This type of customer reveals an opportunity for loyalty. When asking how the client met Casa do Serralheiro, he said that he did not know it yet, but that he had been buying from the competitor for many years, but that the competitor had been facing some problems, such as deficiency in service, due to the more experienced employees having recently retired. According to him, the new

employees did not know anything, but what drew the most attention was the neglect. He said he stayed to return and didn't, that he decided to "give you an opportunity to prove your worth," in his own words.

You know the importance of this customer to your portfolio and think that if you make a great deal, you can have a great customer for future sales. You have been losing some sales to the competition and this order came at the right time. You are willing to do anything to close that order and please the customer. You can count on the support of your supervisor. Because you are a good prospect, maybe you can not get a special condition in order to serve you?

At the same time, you know that you can improve your customer's order, either by including optional items, or in the matter of delivery and forms of payment. Therefore, trading involves (1) Prices; (2) Items, (3) form of delivery and (4) forms of payment.

Prepare to negotiate with the Buyer.

