



CASE STUDY ON BUYER-SELLER NEGOTIATION: ULTRABOOK GOVERNMENT ACQUISITION

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ABSTRACT

This article addressed a Brazilian buyer-seller negotiation between a Military Organization Representative and an IT Company, aiming to acquire ten ultrabooks. The public agent (buyer) represents the federal government, and the seller is a private company. The negotiation occurred in sequences, both virtual and live negotiation rounds. Key findings pointed out the necessity of improvement of negotiation planning and communication skills. Discussion and future research compile the present work.

Keywords: Information Technology, buyer-seller negotiation, integrative, Type II Negotiation

INTRODUCTION: -

This article presents a single case study regarding a Type II negotiation (Dias, 2020), including a two-party, multiple-issue process, involving a governmental agent and a private company representative, in which actual names were omitted, for ethical purposes and to preserve the real identity of the parties. Negotiation has attracted scholars' attention over the past decade (Dias & Teles, 2018; Dias & Navarro, 2017; Dias, M. et al., 2020; Dias, M., 2018, 2020, 2019; Dias, M. et al., 2021; Dias & Duzert, 2017; Dias & Lopes, 2019; Susskind & Cruikshank, 1987; Raiffa, 1982; Ury, 2015; Fisher Ury and Patton, 1981; Salacuse, 2008; Dias, 2020, 2020b, 2019; Moore, 2003; Duzert and Zerunyan, 2015; Cohen, 1980; Sebenius, 1992; Susskind and Field, 1996).

According to Schatzki & Coffey (1981), Negotiation is “an exchange between people for the purpose of fulfilling their needs.” (p.18). Negotiation is also “a process of potentially opportunistic interaction by which two or more parties, with some apparent conflict, seek to do better through jointly decided action than they could otherwise.” (Lax and Sebenius, 1986, p.11)

The Four Type Negotiation Matrix taxonomy (Dias, 2020) was adopted in this work to characterize the negotiation process, as illustrated in Figure 1:



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

Figure 1 shows that the present case addressed a Type II negotiation, where two parties negotiate multiple issues (the acquisition of 10 ultrabooks). Finally, we present the research methods and limitations in the next section.

RESEARCH LIMITATIONS AND METHODS:-

With an interpretive strategy, we used an inductive justification. The analytical unit is the ultrabook purchase (Yin, 1988). Additionally, we gathered a variety of methodologies, including direct observation, (ii) direct engagement, and (iii) case studies. The dramaturgical theory also supports this topic (Goffman, 1959, 1961). The case is restricted to buyer-seller talks between two parties in Brazil on various topics. It is important to do independent investigations to look into how other nations and negotiation styles may convey erroneous understandings.

THE NEGOTIATION FOR THE ACQUISITION OF 10 IMPORTED ULTRABOOKS:-

The Alpha Training Center (ATC) and Bravo Training Center (BTC) is the only military organization performing military training within the Charlie Army (CA). The Certifications are designated by the Omega Operation Command (OOC) within the Ground Readiness Force System (GRFS). In ATC, three types of simulation are practiced: (a) constructive, (b) live, and (c) virtual. The virtual simulation includes required equipment, special programs, and qualified personnel to extract the maximum knowledge and effectiveness of the virtual training of the troop of the evaluated ground force. Virtual simulation equipment is high-performance materials, generally not found in the national territory for sale, and there is a need to import this equipment (computers). In November 2019, the commander of ATC received R\$ 180,000.00 (approximately \$ 60,000) for the purchase of ten ultrabook computers that would contribute to mobile virtual simulation, due to the ease of transportation of the equipment mentioned.

In 2020, when the new commander took command of ATC, it was passed by the previous commander that the purchase of laptops had entered leftovers to pay, due to the company not having delivered the material, still in 2019, the year of purchase.

In March 2020, the administrative inspector of ATC contacted the company, which was committed to using desktop computers. The company was located in Vila Velha in Espírito Santo, southeastern Brazil. The seller informed that they would not deliver the committed material, claiming several factors, as well as the main one, the rise in the dollar value, saying that the sale by contract value, in that period, would become unviable financially for the IT company. Whether a bidding process is canceled, the corresponding resources shall return to the Union and no longer to the contractor.

After several round meetings, such as the General Staff of ATC, they observed that the cancellation of the purchase and consequent loss of the acquisition of computers would be the last line of action to be taken. Concluding partially, the post-commitment negotiation was carried out for two tiring years until the final conversion to both parties, without injuring or transgressing the current bidding contract.

As mentioned earlier, the company that won the minutes claimed incompatibility and financial losses in importing the material due to the high dollar and later in the delivery of computers in Rio de Janeiro, where the ATC is located.

After dozens of frustrating attempts by the administrative inspector of ATC, the commander directly contacted the supplier for the dealings of the delivery of the committed goods, practices this only carried out due to the possible negative outcome, which would harm the Military Organization in the future.

The negotiation process began when the agents spoke directly with the company owner, reporting that the item that was engaged (10 units of the ultrabook) would not be delivered. Although the Military Organizations, Unit value, did not have a piece of legal advice formed in its organizational framework, The OM had knowledgeable military and bachelors in law who advised the negotiation.

Initially, formal notifications were made monthly before requesting the National Registry of Legal Entities (CNPJ)¹ cancellation, according to current legislation. However, with the emergence of the COVID pandemic, the CNPJ negative process was interrupted while Brazil was in that pandemic situation. This concession further undermined the deterrent measures for the outcome of the negotiation.

Over the months, several studies were conducted to make negotiation feasible for both parties, remembering that our ZOPA could not violate the terms described in the specifications. Thus, the following three-step course of action was adopted, as follows:

- (i) Within a tiny portfolio of imported ultrabooks that would be within the specification, the verification of computers that would meet the work of ATC was performed, as well as not contradicting the contract described on the electronic trading floor. In addition, contacts were made with companies outside the country, quotations, and delivery time, among others. Finally, the detailed work was delivered to the company, which claimed the lack of interest in this line of action, stating that it would be economically disadvantageous such practice

¹ Acronym of *Cadastro Nacional da Pessoa Jurídica* (National Register of Legal Entities, our translation).

suggested by ATC, even knowing that the company would have a low profit in this line of action.

- (ii) The same work was performed as imported products, but they were already in Brazil. The company would buy from other national companies, but its profit would be less than the import profit. The company did not want to examine such a proposal.
- (iii) The quotation of high-performance computers, marketed in the domestic market, which resembled the material engaged, was listed. It raised five computer brands in 12 companies, such as CNPJ different, which could serve the company in negotiation. However, with a slightly higher profit, the company stated that it had no working capital for the purchase, hindering trading.

THE FINAL NEGOTIATION:-

After numerous calls, proposals, and requests, which made up 14 months, it was perceived that the company would not deliver the equipment. There, the restrictions on the cancellation of the CNPJ returned to force. The IT company, threatened, was forced, therefore, to comply.

Finally, the course of action (iii) was the master of negotiation and problem resolution. After purchasing the computers, the company reported the fear of delivering them to Rio de Janeiro, claiming the possibility of assault and loss of material. In this way, we mobilized an administrative vehicle in the city of Vila Velha and searched for the purchased laptops. Since then, the materials have been used, performing the mobile virtual simulation in FORPRON and contributing to the training of the Brazilian Terrestrial Force.

LESSONS LEARNED:-

Unfortunately, the history of the excellent background of the contracted company was exceptional, and we could not predict such events (pandemic). Thus, what should be done differently was to modify the subsequent notice based on a material marketed in the domestic market, facilitating greater competition of companies in the electronic negotiation environment.

NEGOTIATION SUMMARY:-

1) **Type of Negotiation:** Type II (two parts and several issues), Integrative negotiation (Dias, 2020).

2) **ZOPA:**

ATC: 10 *ultrabook computers*, with specifications according to notice, with a unit value between R\$ 4,800.00 to R\$ 6,300.00.

IT Company: similar notebooks with specifications lower than the notice, with a unit value between R\$ 3,700.00 to 5,200.00.

3) **Alternatives:**

ATC: Bid new and purchase *ultrabooks* from another supplier

IT Company: Do not deliver *the specified ultrabooks* and lose the commitment

4) **Options:**

ATC:

- a) to accept other equipment with similar configurations;
- b) to accept installment deliveries of the equipment.

IT Company:

- a) to offer equipment with similar configurations;
- b) to request more time from the Alfa Center and seek the ultrabooks specified in the market, with the most favorable exchange rate;
- c) to deliver the specified notebooks and bear the exchange rate difference.

IMPLICATIONS AND DISCUSSION: -

(i) The buyer-seller negotiation is configured as a Type II Negotiation (Dias, 2020). The case has implications in the following fields of study, such as (i) Military buyer-seller negotiations (Dias et. Al, 2022); (ii) negotiations with agents (Araujo, C.; Dias, M., 2022; Correa, Teles, Dias, M., 2022; Dias & Navarro, 2018); (iii) NGOs negotiations (Paradela, V.; Dias, M.; Assis; Oliveira, J.; Fonseca, R. (2019); (iv) generational interactions negotiations (Aylmer & Dias, M., 2018); (v) Brewery industry (Dias, M. and Falconi, 2018; Dias, M., 2018); (vi) business mediation (Dias, M., 2018); (vii) civil aviation industry (Dias, M., Teles, and Duzert, 2018; Dias, M. and Duzert, 2018); (viii) buyer-seller, retail business (Dias, M. et al., 2015; Dias, M. et al., 2015, 2014, 2012); (ix) carmaker industry (Dias, M., Navarro and Valle, 2013, Dias, M., et al., 2014; Dias, M., et al., 2013); (x) streaming video industry (Dias, M., & Navarro, 2018); (xi) mining industry (Dias, M., & Davila, 2018); (xii) two-party debt collection negotiations (Dias, M., 2019, 2019b; Dias, M. and Albergarias, 2019); (xiii) civil construction negotiations (Dias, M., 2016); (xiv) internal negotiations (Dias, M., Pereira, L; Vieira, P., Pan, J., 2022); (xv) interbank negotiations (Dias, M.; Pereira, L; Vieira, P., 2022); (xvi) corporate business negotiations (Silva. G.B., Dias, M., 2022; Silva. G.B., Melo, R.C, Dias, M., 2022); (xvi) Vieira, P., Dias, M., 2022; Vieira, S.; Dias, M.; Silva, G.B.; Dias, L., 2022), for example.

FUTURE RESEARCH

For future research, we encourage the investigation of negotiations Types I, III, and IV. We also recommend the study of other types of negotiations in other countries, such as private negotiations, for instance.

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