

“How to Negotiate Fair/Reasonable Prices in Sole Source Government/Commercial Procurements.”

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NAPM—South Florida, Inc.

June 11, 2009

How can you close the deal with “critical” Sole Source Suppliers?

Can you negotiate with sole source suppliers?

Should Sellers issue/accept letter contracts/subcontracts for production items when the price is open?

Discussion of various ADR Methods—The Spectrum of ADR Methods...

Negotiation

Integrative or Distributive Negotiation Method

What is Win-Win Negotiations?

Mediation

What is Mediation?

When should Mediation be used as an ADR method?

Arbitration

What is binding and non-binding Arbitration?

What is **Baseball Arbitration** OR How do you have the parties “dance-the-negotiation-dance” and get through Impasse?

"Baseball Arbitration"--

"The parties shall exchange with each other and submit to the Arbitrator their last best offer(s) to the other. The Arbitrator shall select one or the other of such two offers and shall award such selection."

WHY DOES IT WORK? THE POWER OF “BATNA!”

Open Pricing Issues--

How do you arrive at "fair and reasonable prices" for commercial items with Sole Source Suppliers? Power to obtain (prior/current) product and pricing information?

How do you arrive at "fair and reasonable prices" for production items where you have to use letter contract/subcontract to achieve schedule because price was not finalized?

Other Contract Formation and Performance Issues--

"Precontract/Purchase Order/Letter Contract" Issues?

Negotiating prices for changes to Commercial Item contracts?

Utilized to assist in finalizing open items?

Strategic Alliance Agreements?

Letters of Credit Payment/Performance Issues in International/Commercial Contracting?

Acceptance Criteria Achieved?



Charles E. Rumbaugh

Charles E. Rumbaugh is an attorney practicing in commercial/international/government contract law with an emphasis in the private dispute/negotiation related arena as an educator/trainer, professional speaker, arbitrator/mediator, private judge and ADR Consultant. He is a frequent writer/publisher and speaker on substantive and Negotiation/Dispute Resolution topics and has presented advanced/basic negotiation, mediation, and arbitration skills training seminars/workshops in Latin America, Canada, Far East, and throughout the United States.

Previously, Mr. Rumbaugh was Corporate Director of Contracts & Pricing for Lear Astronics Corporation where he was responsible for the contracts, pricing, and business management functions. Earlier he was Assistant to Corporate Vice President, Contracts and legal counsel at a major business unit for Hughes Aircraft Company (Hughes Electronics). Before joining Hughes he was Corporations Counsel for the California Department of Corporations.

Mr. Rumbaugh received his Bachelor of Science degree in engineering from UCLA and was employed as an engineer with Westinghouse Electric Corporation prior to attending California Western School of Law where he received a Juris Doctor degree. He also has an ADR Mediation Certificate from Harvard University, Pepperdine University and Center for Conflict Resolution, an Advanced Management Program Certificate from the USC Graduate School of Business and an adjunct professor at several universities for their commercial/business, contract & procurement, international law and ADR/Negotiation programs. He was an advisor to the California State University Contracts and Procurement Certification Program. Mr. Rumbaugh was recently elected to Senior Membership status of the Institute of Electrical and Electronic Engineers.

His current/past membership on arbitration and mediation panels includes the Large, Complex Case Panel of the American Arbitration Association as well as the following:

- Center for Conflict Resolution panel of Arbitrators/Mediators
- State of California Department of Insurance Qualified Mediator
- State of California Public Works Contract Arbitrator
- EEOC Qualified Mediator
- Los Angeles Superior Court Judge Pro Tem
- Former Federal Administrative Law Judge, EEOC
- Numerous Federal/State Courts and Administrative Boards and ADR panels

Charles Rumbaugh has been active in ISM and has presented at several ISM International Conferences and is the immediate past Chair of the ISM Federal Acquisition & Subcontract Management Group. He is also an active member of NCMA. Mr. Rumbaugh is past Co-Chair of the California State Bar Franchise Law Committee and the ADR Committee of the California State Bar Litigation Section. He is an active member of the American Bar Association (ABA) including Vice-Chair of the Strategic Alliances Committee of the ABA Public Contract Law Section and founder of the Public Contracting Committee of the ABA Dispute Resolution Section. Charles is also a member of the Procurement Committee of National Defense Industrial Association and has represented it on joint industry/Air Force ADR IPTs. He also is immediate past Chair of the Federal Acquisition & Subcontract Management Group of the Institute for Supply Management.

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