

The Myth of the Tough Negotiator

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Recently, I have seen more and more of a new attitude in library literature: that librarians must strive to be tougher negotiators, willing to be more adversarial and push harder at the negotiating table. My colleagues and I in the state of Virginia have been looking harder at our big deals, as seems to be the case in the entire country based on the remarkable number of webinars and articles in the past year on the same topic. We must be tougher and stronger and willing to cancel and willing to assume a winner-takes-all approach to our negotiation with what is now described more openly as the enemy: commercial publishers. One recent article I read described the necessary tone we should aspire to in negotiating with such gendered terms that by the end of the paper I was sure the author would recommend testosterone shots as the proposed solution. The gist of the argument was that our only power was in being more adversarial and willing to walk away entirely from content when the provider does not meet our demands, or perhaps *regardless* of demands, since the current conception of the big deal is so negative that it is seen as a great failure when a school returns to a big deal after having lost the moxie they summoned to cancel it in the first place.

This well-meaning advice for us to be stronger and tougher in negotiating often rubs me the wrong way. Sometimes, I bristle at the notion that heads of collections in particular are not already smart, prepared, and effective negotiators. Having worked in several state and regional consortia, I know many of my colleagues in the collections world and know what informed, clear negotiators they are and how knowledgeably they employ strategies for maximizing the content they get for every dollar spent. The current state of immeasurable resources and unsustainable inflation cannot be blamed on the weakness of our collections librarians. A great deal of knowledge about usage habits, the needs of the faculty and student community, the cataloging and technological interoperability of different products, and the wide variety of pricing, licensing, and platform models informs the negotiation conducted by collections librarians. I have yet to meet a weak or milquetoast collections negotiator, and when buttressed by experience and wisdom about the publishing world, a lack of strength is not the reason we have high prices in the e-resources world.

However, more than the critique of negotiating style, I simply disagree with the advice. I think it is hard to make the case that a tougher, more adversarial stance during negotiation leads to a better outcome. In fact, I believe that creativity, flexibility, listening, and trying to understand the vendor's goals helps lead not only to a positive long-term relationship, but to better pricing and terms.

This premise would be difficult to prove. We are aware of the fact that some libraries

have better deals than others have, but know less about all of the factors why. Pricing is often determined by Carnegie class, full-time equivalent student count (FTE), materials budget, and past spend. Other strategies can help improve prices, such as the bundling of resources (buy several things from a vendor in a single year, and the discount increases for each product), the timing of purchases, and making collective purchases when multiple institutions buy at the same time. Yet the role of negotiation and relationship building also plays a significant part. It is difficult to ascertain to what measure this negotiation affects terms and pricing. We already know that, when negotiating license terms with a vendor, sometimes simply requesting specific provisions or striking through problematic language with a fuller explanation of why helps warrant better terms in the final contract. Why would that type of clarity, honesty, explanation, and communication not warrant better pricing as well?

The belief in our field is that a “hard negotiating stance” is what leads to better deals. **Roger Schonfeld** (2017), in his *Red Light, Green Light* issue brief, states, “The strongest negotiating position arises from being fully prepared to walk away from the negotiating table” (pg. 4). One of the most illuminating studies of cost disparities in journal bundles across state-funded universities was conducted by **Bergstrom, Courant, McAfee, and Williams** (2014). They were able to delve into the actual prices paid for journal bundles by issuing Freedom of Information Act (FOIA) requests across the country. Their research showed significantly different terms and pricing across schools for which FTE or other quantitative factors could not account. The authors conclude that the “likely key to this success was a hard bargaining stance accompanied by a credible contingency plan of action in case big deals were not achieved” (pg. 9429). Though I readily trust their data, I believe it is an unproven assumption that “hard” and “strong” are the most helpful approaches, nor do I believe that a visible readiness to end negotiations if terms are not met is the most useful tool librarians have.

I recently emailed three questions to over a dozen vendor representatives whom I know or have worked alongside previously. I asked them first whether I was relatively easy to work with as a customer/client. I wanted to make sure that I was appropriately confident about my own professional relationships before giving anyone advice about negotiation. Evidently, I am easy enough to work with, but everyone was quick to say that most of their

relationships with librarians are positive and friendly. Not being nice enough does not seem to be our problem. However, this does not automatically mean that we are being overly nice and therefore getting cheated.

My next question asked what qualities they especially appreciate in their customers. I often strive to be honest to the point of bluntness about the budget situation of the libraries and our need for specific resources. I try to be curious and ask lots of questions. I try to praise the product and our need for it, rather than denigrating it. Playfulness is a helpful tool to both learn what is possible and to ask for what seems impossible. Many books and articles have informed my negotiation style, including *Getting More: How to Negotiate to Achieve Your Goals in the Real World*; *Getting to Yes: Negotiating an Agreement Without Giving In*; and *Crucial Conversations: Tools for Talking When Stakes Are High*. Somewhere in the mix are lessons learned from watching my dad who never pays full price for anything and **Julia Sugarbaker** on *Designing Women* whose southern style was funny and honest concurrently.

These qualities were not always exactly what most of my sales colleagues cited as their favorite foundational attributes among their customers. Though everyone was quick to point out that they enjoy working with all types of people, I prodded them to learn what they most appreciate.

- Honesty came up time and time again. If the library has no intention of purchasing a service or resource, being forthcoming is always best. “I don’t want someone to pretend to be interested in something because they don’t want to hurt my feelings” stated one rep. Equally important is telling the vendor when something is great — even if that great service is from a different vendor. One of my vendor friends was surprised during a recent merger that many of her contacts and clients had been using a competitor’s services so extensively; why had the customer split their purchasing over similar vendors when they could have advocated for better or different services from one or the other? One tenet I have found true is that the more information that the representative has about my budget situation, deadlines, interest, and needs, the more armed they are to go to bat for me with their vice presidents and directors of sales. The



continued on page 23

most helpful customers explain what they see and want so that publishers and vendors can work to customize to those needs.

- Though we are often way too busy, customers can build stronger relationships by responding quickly — or even responding at all — when the vendor reaches out with a question or offer. Though it is easy to lose perspective when one's week is filled with minor emergencies, meetings, and interruptions, the concept of courtesy and respecting someone's time extends into our communications with vendors. I have sometimes responded with a quick note to let someone know when I will be able to consider their question or offer. This habit allows me some space and keeps my rep informed about when we should next talk. As I re-read all of the responses to my query, I learned that responsiveness is likely undervalued as a strategy for building strong relationships that later make a positive impact on the outcome of a negotiation.
- A respectful attitude as the baseline matters a great deal. I wonder how many of us have made that tired joke that librarians working for vendors have gone over to the dark side. I wonder if the assumption of an adversarial relationship underlies our communication and strategies to the point of backfiring. One vendor representative stated "mutual respect is huge: I aspire to be a partner to my customers.... I do not want to sell you something that is not appropriate for your library. I want you to love what you purchase and I want to help post sales to make sure that what you acquire is used." Another described it as civility: the need to be civil while being straightforward about challenges and opportunities.
- A willingness to partner in creative ways often leads to real successes. One rep stated, "it is always more enjoyable when working with librarians that view us as a strategic partner." Another described several positive situations where the librarians knew what they wanted and were familiar with the products, the university's curriculum, and the needs of their faculty, so that they were able to collaborate on a customized and unique path forward.

My last question was the most controversial, and, with such a small sample size and such a subjective issue, I know that these

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results are not extremely trustworthy. I asked these dozen sales representatives whether they thought that customers who exhibited these positive attributes (including honesty, responsiveness, mutual respect, and creative partnering) were likely to get better pricing or terms when they negotiated. Some sales representatives do not believe this is true in the least. The non-responsive librarian may miss out on an offer because they are not open to hearing from the vendor, but that is the extent of the power of the vendor-customer relationship.

Other vendors are less sure. "I thought about this when I was a collections librarian and now as a vendor rep... I like to think I'm more flexible in negotiating when the library is clear about the library's needs, its budget, what will happen next year, etc." cites one representative. Several people stated that they may be, unconsciously at least, more passionate or willing to take a risk asking for a bigger discount for a client that they trust. "It can be a lot of work on the back end to get special approval for something... [but] if you tell me you want collection X and only have so many dollars, and we are close, I can and will do my best to make it happen." When the client asks for something beyond the capacity of the vendor, many sales reps are quick to clarify boundaries. However, multiple people told me that they might work harder or go the extra mile or advocate more strongly for us if there is a solid, positive relationship, built on the attributes described above. One person, who no longer works in the publishing or vendor fields, stated that without a doubt, yes. Customers who are serious and easy to work with get the best deals. No question.

In a recent *Harvard Business Review* article about negotiating with someone more powerful than you (O'Hara, 2014), the more sophisticated strategies they recommend focus on understanding not only your goals but your counterpart's motivations, obstacles, and goals. The concepts of preparation, listening, focusing on results, keeping your cool, and staying flexible are cited as key. The article does talk about walking away from a deal if it is beyond the pale, but the emphasis is on flexibility and creativity as overall principles:

"don't depend on a single strategy — develop a range of responses to push the negotiation in your favor."

This principle of flexibility may help inform us when breaking up the big deal: if the only option seems to walk away, we may wind up back at the negotiating table in a year or two, ready to look at more creative options. Whether or not publishers and vendors are more powerful than libraries is itself a question of opinion more than fact. However, looking more deeply into what negotiating tactics are most effective, rather than assuming that toughness, hardness, strength are prerequisite, may be the key to greater success and sustainability.

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