



Improve Your Negotiation Skills

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What negotiation is and why it is important



Negotiation: can be defined as a process of bargaining by which agreement is reached between 2 or more parties. We all negotiate every day in a wide range of work and social situations. It is important to know how to negotiate for a number of reasons:

Effect on Profits

During the negotiation course, we will explore why negotiating skills are important for you to be successful in business and in life. The importance of negotiation to your business is vital and the impact of good or bad negotiating can be shown as follows:

Company A		Company B	
Sales	£10m	Sales	£10m
Costs	8m	Costs	8m
Profit	£2m	Profit	£2m

Assume Company A has sales people and buyers who by improved negotiating techniques increase sales by 5% and reduce costs by 5%.

Company A		Company B	
Sales	£10m	Sales	£10.5
Costs	8m	Costs	7.6m
Profit	£2m	Profit	£2.9m

By achieving relatively modest improvements in buyers' and sellers' performance, the effect is an increase in profits of J0.9m. This represents a 45% increase over the previous profit figure.

Effect on Customers

Successful negotiations can lead to increased profits, but can also lead to greater customer satisfaction. For example, you are buying a second car and you see a car advertised in the paper for J8,500. You decide to make an ambitious offer to see how they react. You offer J6,000 and they accept your offer immediately. How do you feel?



What negotiation is and why it is important

Most people feel two things in quick succession:

1. I could have done better
2. There must be something wrong with the car

Think of this next time you are negotiating for your business with a customer or supplier. Are you 'being fair' by offering your best price first time? What impact has your action had on the way the other side feels?

The objective of successful negotiation is not necessarily to charge the highest possible prices for your products, or to pay the minimum price possible for your supplies, but to creatively put together solutions to problems that ensure:

- The best possible outcome for your business.
- Customers and suppliers who are happy to do business with you.
- A reputation for being a tough negotiator while earning the respect of those with whom you negotiate.

Adversarial versus co-operative bargaining



Our style of negotiation will be influenced by the style of the other party. If both sides are adversarial, there will be little trust between the two parties, however, if one side decides to be co-operative, there is a danger the other side will use this apparent sign of weakness to their advantage.

Co-operative bargaining has the advantage of being a more efficient style of negotiation, however certain rules have to be followed by both parties, for it to work.

Let us look at the 2 styles of bargaining and their features:

Features of adversarial bargaining

- Each side takes up a position and defends it
- Opening bids are set at unrealistic levels; too high or too low, in order to give room for manoeuvre
- Movement is small or non-existent until later on in the negotiation
- Tactics are used to gain short term advantage
- Too much emphasis is placed on trust. "This really is my best price!"
- Information is withheld, or misrepresented
- The outcome is often win-lose, or lose-lose
- The more aggressive negotiator usually does best
- This style does not encourage long term, mutually beneficial relationships
- Neither side asks enough questions, or explores alternatives in sufficient depth

Features of co-operative bargaining

- Each side recognises that the other has needs and feelings and accepts implicit rules
- Objective measures are taken of what is fair and reasonable
- Trust is not an issue as either side is willing to share information
- This style is friendly, but not soft. There is a willingness to trade concessions
- There is a clear, communicable strategy
- Bad behaviour is punished
- This style involves creative problem solving
- It encourages long term, mutually profitable relationships
- Each side asks more questions and explores alternatives, rather than taking up fixed positions
- The usual outcome is win-win

“The objective of negotiation is not a dead opponent”: Napoleon



In any kind of negotiation the planning stage is probably the most important. Too often in negotiations we go in badly prepared and end up giving concessions that reduce the overall profitability of the final deal. The importance of planning is in having a very clear idea before entering into the negotiation.

1. What are my objectives?
2. What does the other side wish to achieve?
3. What information will influence the final outcome of the negotiation?
4. What concessions can I make?
5. How am I going to achieve my objectives?
6. What part will other people play in the negotiation?

Generally, the more time that is spent in planning and preparing for the negotiation, the more beneficial will be the final outcome.

Objectives

Before entering into the negotiation, you need to have a clear idea of your objectives and try to work out those of the other side. Ask yourself the following questions:

1. What exactly do I wish to achieve from this negotiation?
2. Which of my objectives:
 - a. Must I achieve?
 - b. Do I intend to achieve?
 - c. Would I like to achieve?
3. What options or alternatives would be acceptable to me?
4. What are the other sides' objectives?
5. How does the other side see the negotiation?



Information

It has often been said that information is power. In any negotiation, there will be 4 types of information that is important to the final outcome.

1. What information do I have that the other side has also?
2. What information do I have that the other side does not have?
3. What information do I need to have before negotiating with the other side?
4. What information does the other side need before it can negotiate with me?

This can be particularly important when negotiating with people who concentrate on price issues. What other things are important to this person? What pressures does he have on him to conclude the deal? How well is his company doing at the moment? How important is it that he deals with my company? etc.

The early phases of negotiation consist of both sides finding out more information before talking about a specific deal or set of alternatives. For example, if you find out the other side has a time deadline that only your company can meet, it may give you the chance to negotiate on more favourable price. If you know that the other side has recently expanded their production capacity, you may be able to negotiate more favourable terms in return for a commitment to buy certain volumes over an agreed time period.

By spending time as part of your preparation in listing what you already know and what you need to know, you will give yourself a better chance to negotiate well on your company's behalf.

Concessions

Negotiating is a process of bargaining by which agreement is reached between two or more parties. It is rare in negotiation for agreement to be reached immediately or for each side to have identical objectives. More often than not, agreements have to be worked out where concessions are given and received and this is the area where the profitability of the final outcome will be decided.

When preparing for negotiation, it is advisable to write down a realistic assessment of how you perceive the final outcome, find out the limits of your authority within the negotiation and decide what you are willing and able to concede in order to arrive at an agreement which satisfies all parties.

Concessions have two elements; cost and value. It is possible during negotiations to concede issues that have little cost to you but have great value to the other side. This is the best type of concession to make. Avoid, however, conceding on issues that have a high cost to you irrespective of their value to the other side.



When preparing for negotiations, ask yourself the following questions:

1. What is the best deal I could realistically achieve in this negotiation?
2. What is the likely outcome of the negotiation?
3. What is the limit of my authority? At which point should I walk away?
4. What concessions are available to me? What is the cost of each concession and what value does each have to either side?

Strategy

Planning your strategy is important in negotiation. Once you know your objectives, you need to work out how you are going to achieve them. It is also useful to try and see the negotiation from the other side and try and work out what their strategy will be.

During the negotiation there will be opportunities to use various tactics and you need to decide on which of these you feel comfortable with and recognise the tactics being used by the other side. Ask yourself the following questions:

1. How am I going to achieve my objectives in this negotiation?
2. What is the strategy of the other side likely to be?
3. What tactics should I use within the negotiation?
4. What tactics are the other side likely to use?

Tasks

If you go into negotiation with a colleague or colleagues, you need to decide during the preparation phase:

1. What role will each team member take in the negotiation?
2. How can we work together in the most effective way?

Some teams of negotiators appoint team leaders, note takers, observers and specialists, each with their own clearly defined authority and roles to perform. Having a clear understanding of roles within the negotiation will make the team approach much more effective.



Like, intend and must positions

The best deal, like:

1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

An acceptable deal, intend:

1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

The worst acceptable deal, must:

1.	6.
2.	7.
3.	8.
4.	9.
5.	10.



People who are successful negotiators have a well thought out strategy before going into the negotiation, are well prepared, self confident and structure the negotiation, so that they remain in control of the negotiating process.

The recommended structure for negotiations is:

- Establish the issues being negotiated
- Gather information
- Build a solution

Stage 1. Establish the issues

- Many negotiators make the mistake of negotiating too quickly
- Skilled negotiators spend 20% more of their time asking questions and looking for alternatives
- Professional negotiators will want to gain your commitment on issues, such as price, early on in the negotiation
- You should never commit yourself to anything until you have established everything that is being negotiated
- Negotiators will often bring up an issue at the end of the negotiation, when you are vulnerable and likely to agree to a `one sided` concession, in order to conclude the deal
- Skilled negotiators will often ask the other side for their `shopping list` before beginning the negotiation and refuse to accept any last minute additions to the list
- Issues will include things like price, delivery schedule, payment terms, packaging, quality of product, length of contract etc.
- At this stage issues are kept general and no concessions are made or agreements reached

Stage 2. Gather information

This is a vital part of the negotiation. There are 4 kinds of information

1. Information you have that you are willing to give to the other side
2. Information you have that you are unwilling to give to the other side
3. Information the other side has that they are willing to give you
4. Information the other side has that they are unwilling to give you



- You need to decide, before the negotiation, how much you are willing to share information and what your own information requirements are
- This will set the climate for negotiation and will determine the amount of trust that exists between both parties
- Skilled negotiators are able to ask a range of open, closed and follow up questions and are able to listen effectively
- Skilled negotiators wait until they have all their information requirements, before making concessions

Stage 3. Build a solution

- Having gathered information the next stage is to begin to put together a solution
- Usually this will take the form of the selling side putting forward a proposal, or opening bid
- The opening bid should be ambitious, but defensible
- You should always challenge an opening bid and refuse to let an unacceptable bid on the table
- There will then be a process of bargaining and concessions will be traded and movement take place, until, hopefully, agreement is reached
- Concessions should not be given away for free and you should be wary about conceding on issues for which you are not prepared



Most successful negotiators recognise that the way people involved in negotiations behave does not always reflect their true feelings or intentions. We are going to look at negotiating tactics that may be used by you or on you. Whether or not you choose to use these tactics, it is vital to understand 3 things:

- These tactics work
- They can be being used on you, and can be used by you
- Once they are recognised as tactics, their effects are reduced, or eliminated

You may feel that there is no need in your particular case to negotiate or resort to `tactics' in negotiation. This is a matter of personal choice.

In general, tactics are used to gain a short-term advantage during the negotiation and are designed to lower your expectations of reaching a successful conclusion.

There are many tactics available to negotiators. Here are some you may recognise.

Pre-conditioning

This can begin before you even get together, or start your negotiations with the other party. Let us take a sales example:

You telephone for the appointment and the other side says, aggressively:

"Don't bother coming if you are going to tell me about price increases. You'll be wasting your time and I will be forced to speak to your competitors!"

When you do arrive you are kept waiting in reception for half an hour, without being told why. As you walk through the door into the other person's office they indicate for you to sit down, but don't look up. Instead, they sit leafing through your competitor's brochure, in silence, ignoring your efforts to make conversation.

You are given an uncomfortable low chair to sit in that happens to be directly in line with the sun, shining into the office. At this stage, how confident do you feel?



The monkey on the back

Some negotiators have the irritating habit of handing their problems to you so that they become your problems. This is the monkey on their back that they want you to carry around for them.

A classic example is the person who says I have only got J10,000 in my budget. This is often used tactically to force a price reduction. Here is what you can do.

When one side says I have only J10,000 in budget, look worried. Say something like:

That is a problem. As you are no doubt aware, the cost of our systems can be anything up to J20,000 and I really want to help you choose the best system that meets your needs. Does that mean that if one of our systems has everything you are looking for, but costs J20,000, you would rather I didn't show it to you?

The monkey is now on the other person's back and they have to make a choice. If the objection is genuine and the budget figure is correct, you must try to look for an alternative that meets your needs as well as theirs. If they genuinely can only spend J10,000 that is not a tactic but the truth. In dealing with tactics the first decision you must make is whether it is a tactic or a genuine situation. If it is genuine, you have a problem to solve, rather than a tactic to overcome.

The use of higher authority

This can be a most effective way to reduce pressure in the negotiation by introducing an unseen third party and can also be effective in bringing the negotiation to a close. I need to have this agreed by my Board of Directors. If they agree to the terms we have discussed, do we have a deal? Be careful to use this device sparingly so that the other side does not begin to feel you have no decision-making authority yourself.

One way of countering this tactic is to say before the bargaining begins If this proposal meets your needs, is there any reason you would not give me your decision today? If the other side still wishes to resort to higher authority appeal to their ego by saying Of course, they will go along with your recommendations, won't they? Will you be recommending this proposal?

Nibbling

Negotiations can be a tiring process. As the point draws near when an agreement is likely, both sides exhibit a psychological need to reach agreement and get on with something else.

You are very vulnerable as the other side reaches for their pen to sign the order form or contract to concede items that don't significantly affect the final outcome.



Oh, by the way, this does include free delivery, doesn't it?

Oh, by the way, the price of the car does include a full tank of petrol?

Nibbles work best when they are small and asked for at the right psychological moment. Like peanuts, eat enough of them and they get fattening.

This tactic is sometimes seen in retail outlets when you have decided to buy a particular shirt and the salesperson says of course you'll be needing a tie to go with the shirt and, before long, you are coerced into buying much more than you intended. Good negotiators will often keep back certain items on their 'want list' to the very last minute when the other party is vulnerable. Watch out for this.

The good guy and the bad guy

You may have come across this tactic before or else seen it used in films or on television. This is a tactic designed to soften you up in the negotiation.

For example, you are negotiating the renewal of your service contract with the Buying Director and his Finance Director. You present your proposal and the Buying Director suddenly gets angry and walks out in disgust muttering to himself about how unfair you have been and how the 'relationship' is well and truly over.

You pick up your briefcase and are being shown the door when the Finance Director smiles at you sympathetically and says

I'm terribly sorry about that. He is under a lot of pressure. I would like to help you renew your contract, but he really will not consider the price you have suggested. Why don't I go and talk to him for you and see if we can agree a compromise? What is the bottom line on the contract? If you give me your very best price, I will see what I can do.

The best way of dealing with this tactic is to recognise the game that is being played and assess exactly what the quality of the relationship is. You may be able to say something like:

Come off it, you are using good guy, bad guy. You're a superb negotiator, but let's sit down and discuss the proposal realistically ...

If you don't have this kind of relationship, stand firm and insist on dealing with the bad guy, or else bluff yourself and give a figure that is within your acceptable range of alternatives.

One way of combining 'good guy, bad guy' with 'higher authority' is by saying things like



Well, I'd love to do a deal with you on that basis, but my manager refuses to let me agree terms of this nature without referring back and he refuses to talk to salespeople. Give me your best price and I will see what I can do ...

Body language

It is important in negotiation to react verbally and visually when offers are made. You may have seen the more theatrical negotiators hang their heads in despair or accuse you of being unfair and souring a perfectly good relationship when you present your proposal. Human nature is such that we can believe and accept these outbursts against us and our negotiating position becomes weaker as a result.

Ensure the next time you are in a negotiation that you react to the other party's offer. If you show no reaction, they may be tempted to ask for more and more and you will lose the initiative in the negotiation. Also, it is almost certain that their opening offer is higher than the figure for which they are prepared to settle, so it is important that you clearly signal your unwillingness to accept the opening position.

If you reach the point below which you will not go, it is important that you show this with your body language. News readers, when they have finished reading the news, have a habit of picking up their script and tidying up their papers. This tells the world that they have finished their task and are preparing to leave. Similarly, when you make your final offer, it can be very powerful to collect your papers together and indicate with your body that it really is your final offer. Put your pen away, sit back in your chair and remain silent. Look concerned and keep quiet.

If your voice says final offer but your body is saying let's keep talking, the other party will disregard what you say and keep negotiating.

The use of silence

During the negotiation, you may make a proposal and find the other party remains silent. This can be very difficult to handle and often signals 'disapproval' to the inexperienced negotiator. Just as nature abhors a vacuum, so silence induces the need in people to talk.

If you have a proposal to make, make it and ask the other side how he, or she feels about it. Having asked the question, sit back and wait for the answer. Whatever you do, don't change your offer as this could seriously weaken your position.

The vice

A common technique used by negotiators when presented with a proposal is to say You'll have to do better than that. This can be a very powerful statement, especially when used with broken record.



The most powerful way of dealing with this is to ask them to be more specific. Whatever you do, don't weaken your negotiating position in response to the vice by giving anything away, too easily. This will only encourage repeat behaviour.

The power of legitimacy

People believe what they see in writing. We all assume that if a thing is printed or written down, it is non-negotiable. This is what can make price lists so powerful. If you have to present a customer with a price increase or you wish to encourage an early order to beat a price increase, show something in writing such as an office memo from your boss announcing the increase. This will have a far greater impact than just saying your prices are about to go up.

When presented with a price tag in a shop, ask to speak to the manager and make him an offer. You could be surprised at the results.

The low-key approach

Don't appear too enthusiastic during negotiations. Over-enthusiasm during negotiations can encourage skilled negotiators to review their strategy and demand more. If you are in a negotiation and the other side is not responding to your proposal, recognise this could be a tactic and avoid giving concessions just to cheer them up. Salespeople like to be liked and will often give money away in a negotiation, if the other side appears unhappy.

For example, if you are buying a car avoid saying to the seller things like:

This is exactly what I'm looking for

I really like the alloy wheels.

Develop a low key approach. Say things like:

Well, it may not be exactly what I'm looking for but I may be interested if the price is right



Making the First Move

Asking questions and listening effectively are important skills both in selling and negotiating. The first phase of negotiation involves both parties in agreeing the background to the negotiation and 'fishing' for the opening demand or offer.

It is often better to present the opening demand or offer in terms of a hypothetical question, as this allows the negotiator to retreat to his initial position if necessary.

The opening offer will probably be at or just about the level of the negotiator's maximum expectation, giving him room to manoeuvre, but not so high that the offer lacks credibility. Do not attempt to 'win' at this stage, but hold sufficient back so that you are able to move, if necessary, at a later stage.

This is a difficult period in the negotiation process and a professional negotiator will often use silence or other pressure techniques to solicit information from the other party.

Further Movement and Concessions

During negotiations, it can be in the interest of each side to keep asking questions and raising objections. Many excellent negotiators are low reactors who will move very slowly in negotiation. However, given that the opening position of each party differs, then there has to be movement and concessions if a deal is to be struck.

Negotiators will tend, at first, to discuss extra demands, trying to get the other side to agree to these without offering anything in return. They will be reluctant to give information or will defer decisions in order to increase the pressure on the other person. When an offer does come, it will often be on the basis of a quotation based on the minimum quantity at the lowest possible price. In all this, the negotiator is attempting to dominate the interview, pressing for maximum advantage, and trying to force the other person to concede on a major issue.

The skilled negotiator will ask the other side for a complete list of all his, or her requirements, and will not concede on a single issue until he knows the nature of the whole package. He will then begin to trade concessions, starting with the smaller, less important aspects of the package.

Negotiators should avoid making one-sided concessions which will severely weaken his final position and could affect the overall profitability of the deal.

When movement comes, it begins slowly, then can be very rapid as both parties sense a deal being on the cards. Movement does tend to be discontinuous with either party moving and the other holding up the agreement at any one time. This leads to short periods of deadlock, which can be brought to an end in different ways.



Some of these are:

- Period of silence. Wait for the other party to speak.
- Agree to a concession. Always trade concessions by saying If I do this, you do that.
- Adjournment to review positions.
- Agree to leave certain issues to one side for later and concentrate on the rest. Identify areas of common agreement.
- The use of the relationship with the other side to break the deadlock.

Signals to be aware of that could mean the other side wishes movement to take place could include:

- Trial movement. One side uses words like What would you say if ...?" or uses hypothetical examples
- Summarises the position to date and asks Where do we go from here?
- One side calls for adjournment.
- Appeals to the other side's better nature.
- Asks for more information.

Uses 'crowding' techniques to force movement, e.g. aggressive behaviour, sets deadlines and time limits, threatens use of competition.

The use of concessions is a vital part of building a profitable relationship for both parties in the negotiation. Earlier, we discussed the different 'elements' that could constitute the final deal. The use of concessions enables negotiators to build a mutually profitable deal that is not one-sided in the other side's favour.

For example:

Volume: *I can lower the price to J440 if you agree to buy 1,000 units instead of the 450 we have discussed so far.*

Longer Commitment: *I can agree to these figures if you agree a 2-year contract rather than a 1-year.*



Additional Items:	<i>I can let you have a further 10% from the list price of this photocopier if you agree to buy your paper supplies from us.</i>
Better Terms:	<i>If you agree to pay 'cash on delivery' I can reduce my price by a further 5%</i>
Delivery:	<i>Since your lorries pass our depot each day, if you agree to pick up the orders, we can lower the price a further J2 per item.</i>
Packaging:	<i>If you are happy for us to use cheaper packaging, I can reduce the cost by another 1%.</i>

You may not have the flexibility to negotiate around all of the above. It is vital however, that before entering into negotiation, you are fully aware of what is and is not negotiable. You are in a stronger position if you agree this with your company beforehand and are given the authority to negotiate the best deal you feel is possible. Otherwise, you risk losing credibility by having to keep going back for permission to agree certain items.

It is better to say No, we can't do that, but we could do this ...rather than saying I'm not sure, I will have to ask my boss and get back to you

N.B. The exception to this would be if the concession concerned could clinch the deal. You may wish to say, I think I may be able to get my company to agree. I will have to check with them but if they agree, does that mean we have a deal?



The closing stages

The closing stages of any negotiation are vital to the overall success of the final deal. There will come a time when both parties can sense an outcome is possible, and each negotiator needs to be careful not to be too eager to close or else the other party will be tempted to hold back for further concessions.

Once a likely outcome is seen, either party may define outstanding issues, compare arguments and objections, review the position to date and agree a deadline for agreement. If one side avoids making these decisions, the other must probe to fine out the reason and deal with it effectively. Negotiators must be careful at this stage to identify tactical delay which deliberately attempts to force further concessions.

The best solution to aim for is one where both parties feel they have done well despite having to concede on certain issues. This is often called a win-win solution. Once either side feels they have arrived at the final deal, it is important to signal this to the other party. Body language can say as much about what you are thinking as speech. If you have made your final offer, look as if it is your final offer. This can be done simply by gathering up your papers, looking at the other side directly in the eye and saying That is my final offer, and silence can be a powerful tool in convincing them you mean what you say.

Be wary of 'splitting the difference'. If you offer to split the difference, you have, in effect, given the other side a concession that is one-sided. You have said you are prepared to move without asking for commitment in return.

The final consideration is when you have done the deal and both parties are in agreement. Record the details and agree with the other parties involved that your interpretation of events matches theirs. That way there will be no unexpected comeback in the inevitable post-negotiation period when either side reviews how well or badly he has done. Again, this will be minimised if the solution you have arrived at benefits both parties.

The closing stages need to be approached with caution. It has been shown that the majority of concessions are given or traded in the last 5% of the time allocated for negotiation. That means, if you negotiate for 1 hour the last 3 minutes are when you are most vulnerable.

The 40 Most Common Mistakes in Negotiation



1. Failing to prepare effectively for negotiation.
2. Underestimating your own power.
3. Assuming the other party knows your weaknesses and strengths.
4. Being intimidated by the status of the person with whom you are negotiating.
5. Concentrating on your problems rather than those of the other party.
6. Forgetting the other side has things to gain from agreement as well as yourself.
7. Making assumptions about what the other side wants.
8. Having low aspirations for yourself.
9. Giving too much credence to time deadlines set by the other side.
10. Assuming the other side is aware of the short and long-term benefits of reaching agreement.
11. Being intimidated by rules set by the other side.
12. Misunderstanding tactics used by the other side.
13. Talking too much.
14. Failing to listen effectively.
15. Believing everything the other side says about you, your service, your competition etc.
16. Being forced into discussing price too early in the negotiation.
17. Revealing your `hand` too early.
18. Aiming too low with your opening bid.
19. Accepting the first offer.
20. Giving away concessions for nothing.



The 40 Most Common Mistakes in Negotiation

21. Conceding an important issues too quickly.
22. Making concessions too easily and raising the other sides' expectations.
23. Feeling guilty about asking for a concession.
24. Making concessions before knowing all the other sides' demands.
25. Failing to make concessions conditional on final agreement being reached.
26. Making concessions of equal size to those on offer.
27. Paying too much attention to `price' rather than `value'.
28. Discussing issues for which you are not prepared.
29. Being inflexible.
30. Losing sight of the overall agreement when deadlock is reached over minor issues.
31. Responding to a high demand with a counter offer instead of challenging the validity of the high demand.
32. Assuming deadlock means agreement is not possible.
33. Feeling deadlock is only unpleasant for you and not the other party.
34. Trying to be liked during the final stages.
35. Bluffing without having a strategy ready should your bluff be called.
36. Taking things personally.
37. Offering to `split the difference'.
38. Being intimidated by This is my final offer!
39. Not preparing `Head Office' for the possibility you may need to walk away.
40. Carrying out a `post-mortem' with the other side.

Action plan



As a result of attending the programme, I will put the following action points into practice:

1.

2.

3.

4.

5.