



Opt-Ins

Overview

Many times, even after thorough market research, acquisition teams are not sure how many proposals they will receive for a given solicitation. This is especially true with a new requirement. They spend time and effort crafting a tailored, comprehensive evaluation approach that accommodates the anticipated volume of proposals while ensuring enough information to make a confident award decision. Traditionally, teams allow for a question-and-answer period in response to the final solicitation as a gauge for how many proposals they will receive, but that is still only a guess. That's where using Opt-In language becomes a game changer; language you can include in a draft solicitation that opens the door for industry express interest earlier on, helping the Government get a clearer picture of the marketplace before the final solicitation is issued. The concept also provides contractors with more information and transparency earlier in the procurement process while encouraging fair opportunity. Imagine building an evaluation approach for a given procurement and you expect 20 proposals. Now think about some minor adjustments or tweaks you would make if you knew definitively you could get no more than 10 proposals. Maybe you shift the submission of a factor to a different phase, have a little bit of a deeper dive in oral presentations, can share with those vendors a dedicated milestone schedule to complete each phase of the procurement, and can properly plan for the evaluations for each phase to be done in consensus with a government facilitator.

There are no prohibitions in the FAR addressing this Opt-In concept. Here is how it works:

1. **Drafts:** Instead of allowing for questions and answers against the final solicitation, release the entire package as a draft solicitation. This can follow other prior, partial drafts focused on smaller pieces of the procurement (like a draft requirements document).
2. **QAS:** The draft includes a question-and-answer session (QAS) that encourages the vendors to submit all their questions at this phase, rather than waiting until the issuance of a final solicitation. Although the Government will maintain discretion, the intent is for there to not be additional QAS after submission and response of the draft.
3. **Phases:** The solicitation is now multi-phased, with the Opt-In serving as Phase 1. If it were already a multi-phased submission using a down-select, then the additional phases covering the submission of evaluation factors will follow.
4. **1-Page Submission:** The Opt-In concept requires a one-page cover letter that requires some basic information like UEI and point of contact information, as well as a definitive statement where the vendor is going to Opt-In.
5. **Opt-In:** Only vendors that formally Opt-In via the cover letter will receive the final solicitation documents, and have their questions considered.
6. **Final RFQ:** The Government reviews the questions, adjusts its approach, if necessary, to ensure overall success of the procurement, and issues responses to the questions and final solicitation documents.



The Opt-In concept encourages earlier engagement of solicitation documents between government and industry while allowing the Government to get a definitive vendor count prior to finalizing solicitation documents.

Include similar language below (in the [Consider This Language](#) section) and consider it for your next procurement. It is for a FAR 8.405-3 acquisition, but the bulk of the text can be used as a comprehensive sample. For those familiar with the [Periodic Table of Acquisition Innovations \(PTAI\)](#), you could also consider the [Interactive Q&A](#) technique to handle some of response to questions.

Key Considerations

- o Specify exactly what contractors are opting into: QAS, ability to receive a final solicitation, pre- or post-solicitation conference, capability demonstrations, etc.
- o Ensure deliverables and performance metrics are included to discourage low-quality submissions.
- o Decide up front what you need for the evaluation approach, so vendors know the possible investment required.
- o Predefine how to “opt-in” and what will be next steps in second phase of the procurement
- o Communicate the outcomes promptly, don’t take months to review the QAS and respond with a final solicitation.
- o Consider the right amount of time to opt-in. A few days may be too little, multiple weeks may be too much time. The size, complexity, level of partnership, and more should be considered. Recommend no more than a week to opt-in.

Consider This Language

Communications & Opt-In Submission

Phase I

The government will post the Draft RFQ and related documents on GSA eBuy. Each Quoter **must** email the designated inbox: [**Designated Inbox**], to confirm their intent to submit a quote before the QAS deadline by submitting a cover letter. Failure to do so may prevent the Quoter from being eligible for award, even if they participated in the QAS by submitting questions. Additional details on the QAS and Opt-in requirement are provided below.

QAS: The Government will issue a Draft RFQ before the Final RFQ release. All documents will be provided as drafts, with the traditional QAS occurring **exclusively** during the Draft RFQ phase. There will be no additional session for asking questions after responses are given in this phase, including after the final RFQ is issued. However, the Government reserves the right to hold an additional QAS if significant changes occur between the draft and final documents and if deemed in the Government’s best interest.



Please use this Draft RFQ and QAS to submit your questions and provide your Opt-in notification.

Due Date/Time: Questions relevant to this Draft RFQ must be submitted via email to: [**Designated Inbox**]. Questions and Opt-In are due no later than **12:00 PM Eastern Time** on MONTH, DAY, YEAR.

The Government does not intend to provide a response to questions submitted after the due date, and quoters will not receive a government response until all questions have been received by the due date.

While the Government will not attribute questions to specific Quoters, the text of the questions and answers may be published and shared with Quoters who have submitted the required Opt-In notification. Please note that any changes to the RFQ document will be made within the document itself. Responses within the Q&A document do not have the full force and effect of an amendment to the draft solicitation and are provided as a courtesy for clarity. If any changes from the QAS are determined by the government are required, they will be reflected within the final RFQ. The quoter is responsible for thoroughly reviewing and understanding all solicitation documents.

Opt-In: Please note: If a Quoter fails to provide the Opt-In notification by the listed due date/time via email to: [**Designated Inbox**], then that Quoter will NOT be permitted to submit a Quotation against this RFQ. GSAR 538.7103-3, which governs all FSS orders or agreements with values above the SAT, allows the Government to narrow the pool of Quoters, provided it ensures that quotes are received from at least three FSS contractors capable of fulfilling the requirements. This also complies with GSAR 538.7103-3(c), as each quote received will be fairly considered. **Accordingly, for this RFQ, the Government is using the Draft RFQ, QAS, and Opt-In as Phase 1 to identify the subset of prospective Quoters who will qualify to receive the final RFQ.**

Opt-In limitations:

- 1) The Quoter who submits the Opt-In notification, and who holds an active MAS with the appropriate SIN, is the only quoter permitted to submit a quotation. The Quoter is not permitted to abruptly transition into a subcontractor role while designating another contractor as the Prime Quoter. **Only the contractors who submit the required Opt-In notification by the due date/time will be eligible to receive the Final RFQ.**
- 2) Contractors who Opt-In are not required to submit questions, although they are encouraged.
- 3) Contractors who Opt-Out are not required to submit anything to the Government.
- 4) Contractors who are non-responsive are Opt-Outs, ineligible to submit a Quote.contract
- 5) The Government will **only** consider QAS responses from those contractors who have decided to Opt-In.
- 6) If the Quoter elects to Opt-In, the Government will notify the quoter of the specific identifier that will be utilized in place of quoter identifier marks in phase II and phase III of this RFQ.

PHASE I SUBMISSION:
The Opt-In requirement is limited to a one-page cover letter only, containing the following



- Quoter Name and UEI
- GSA MAS Schedule/Contract Number
- Point of Contact information:
 - o Name
 - o Phone Number
 - o Email address
- An opt-in statement as follows: **[Quoter Name]** elects to Opt-In for this procurement and receive the Quoters Specific Identifier, Final RFQ, and related documents.

This document must not include any advertising or marketing material nor any information beyond what is explicitly required. Failure to comply will result in the removal of these items from consideration. The one-page cover letter will be the only appropriate document to contain the quoters' company logo and name throughout this RFQ.

Why Is This Innovative?

The use of Opt-In language is an emerging approach that provides definitive insight into market interest upfront, ensuring that only genuinely interested contractors participate. This proactive approach fosters earlier industry engagement and smarter procurement planning based on actual vendor commitment, leading to a more efficient procurement process. It allows agencies to tailor evaluation approaches precisely, optimizing resources and transparency. If you're looking for a technique that filters for genuine interest and reduces other interference than Opt-In language may suit your solicitation.

Questions? Contact The LAB at thelab@doc.gov. The LAB is happy to connect and think through the next steps with you.

*Disclaimer: The information contained in this document is merely an idea or opinion of The LAB and does not constitute formal legal or policy guidance of any kind.

