



Decision

Matter of: Raven Investigations & Security Consulting, LLC

File: B-423447

Date: May 7, 2025

Nathan Young for the protester.

Matthew T. Schoonover, Esq., Ian P. Patterson, Esq., and Haley M. Sirokman, Esq., Schoonover & Moriarty LLC, for Universal Strategic Advisors LLC, the intervenor. Joshua K. Adams, Esq., and Douglas J. Becker, Esq., Department of Homeland Security, for the agency.

Nathaniel S. Canfield, Esq., and Evan D. Wesser, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest of sole-source order is dismissed as academic where the agency has terminated the order for the government's convenience.

2. Protester is advised that citation irregularities may result in the imposition of sanctions.

DECISION

Raven Investigations & Security Consulting, LLC, a small business of Syracuse, Utah, protests the issuance of order No. 70CDCR25FR0000032 to Universal Strategic Advisors LLC (USA), of Irvine, California, under request for quotation (RFQ) No. 70CDCR25Q00000007, issued by the Department of Homeland Security, U.S. Immigration and Customs Enforcement, for administrative processing support services. The protester contends that USA improperly obtained the order through use of nonpublic information; the agency issued the order without providing adequate notice and opportunity for competition; and the agency failed to properly consider an unsolicited proposal submitted by the protester. The protester further alleges a violation of the Ethics in Government Act of 1978, 18 U.S.C. § 207, by USA's chief executive officer, as well as unethical contracting practices by the agency.

We dismiss the protest as academic based on the agency's termination of the challenged order.

BACKGROUND

On January 31, 2025, the protester submitted a document to the agency proposing to provide investigative targeting support services. Protest at 2; Req. for Dismissal at 1. The agency responded on February 25, stating that the document did not conform with the requirements of Federal Acquisition Regulation (FAR) section 15.605 for unsolicited proposals, and that it therefore would not be evaluated.¹ Req. for Dismissal at 1.

On February 28, the agency issued the RFQ--using the Federal Supply Schedule procedures of FAR subpart 8.4--by email directly to USA.² *Id.* at 2. In connection with issuing the RFQ, the agency executed a limited sources justification pursuant to FAR subsection 8.405-6(a)(1)(A). *Id.* The agency issued the order to USA on March 14. *Id.* On April 13, the agency published a notice of award and the limited sources justification on SAM.gov. *Id.*

Although the agency did not publish a notice of award until April 13, the protester learned of the March 14 order issuance on March 30.³ Protest at 1. The protester filed this protest with our Office on April 7.

DISCUSSION

Dismissal of the Protest as Academic

On April 14, the agency requested dismissal of the protest, arguing that the protester is not an interested party; the protest raises procurement integrity matters that are not proper protest issues for consideration by our Office; and the protest is speculative and fails to state a detailed basis for protest. See Req. for Dismissal at 2-6. On April 18, the intervenor also requested dismissal of the protest, raising arguments largely similar to those advanced by the agency. See Intervenor Req. for Dismissal. The protester responded to both of those requests for dismissal, opposing the arguments raised by the agency and intervenor. See Resp. to Req. for Dismissal; Resp. to Intervenor Req. for Dismissal.

¹ The protester refers to its submission as an unsolicited proposal, see Protest at 2, while the agency refers to it as a capability statement, see Req. for Dismissal at 1. It is not necessary to the resolution of this protest to ascertain the precise nature of the protester's submission.

² The protester alleges that the agency "posted" the RFQ on December 1, 2024, and that the RFQ had a closing date of January 15, 2025. Protest at 1. The agency makes clear that it did not publicly post the RFQ, stating that it has no information to support the protester's allegation. Req. for Dismissal at 2 n.3.

³ The agency states that, while it did not publish a notice of award on SAM.gov until April 13, contract award data was publicly released on the Federal Procurement Data System – Next Generation upon issuance of the order on March 14. Req. for Dismissal at 2.

On April 22, prior to our Office's having the opportunity to decide the previously filed requests for dismissal, the agency notified our Office that it had terminated the order on April 18, and therefore requested that the protest be dismissed as academic. Notice of Termination & Req. for Dismissal at 1. The protester responded, opposing dismissal on the basis that the termination was a pretext to avoid review of the agency's actions and was not based on programmatic need, contending that "the timing of the contract termination--coming after the protest was filed and after [the agency] reviewed the substance of the allegations--raises a strong inference of bad faith." Resp. to Notice of Termination & Req. for Dismissal at 1-2.

The jurisdiction of our Office is established by the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3557. Our role in resolving bid protests is to ensure that the statutory requirements for full and open competition are met. *Honeywell Tech. Sols., Inc.*, B-407159.4, May 2, 2013, 2013 CPD ¶ 110 at 3. We do not consider academic protests because to do so would serve no useful public policy purpose. *Dyna-Air Eng'g Corp.*, B-278037, Nov. 7, 1997, 97-2 CPD ¶ 132. We only consider protests against specific procurement actions and will not render to a protester what would be, in effect, an advisory decision. *Id.*

Here, the agency has terminated the order issued to USA. Additionally, as the agency issued the RFQ solely to USA, the termination of the order effectively cancels the RFQ as well. When an agency terminates an awardee's contract and cancels the underlying solicitation, the agency's actions render a protest challenging the contract award academic. *EDC Consulting, LLC et al.*, B-414175.10 *et al.*, June 9, 2017, 2017 CPD ¶ 185 at 6. Accordingly, we dismiss the protest solely on the basis that the agency's actions have rendered the protest academic.⁴

Irregularities in the Protester's Filings

In reviewing the protester's responses to the various requests for dismissal, we identified a number of irregularities in the case citations provided by the protester. In some instances, the protester cited decisions of our Office that did not appear to state the principles for which the protester cited them. In others, we were unable to locate a

⁴ As discussed above, the protester opposes dismissal of the protest, arguing that the agency's termination of the order is pretextual. Our Office previously has discussed circumstances in which we will review an agency's decision to terminate a contract in response to allegations that the termination was a pretext to avoid review of the agency's actions. See, e.g., *Qbase, LLC*, B-417371.4, B-417371.5, June 26, 2020, 2020 CPD ¶ 252 at 3. Whether the agency's termination of the order was proper, however, is a separate question from whether the termination renders the instant protest academic. To whatever extent the protester's bare allegations of pretext here might support a contention that the termination constitutes improper corrective action taken in response to the protest, the protester must separately file a timely protest of that corrective action in accordance with our Bid Protest Regulations.

decision that matched the citation provided by the protester, and decisions matching either the B-number or Comptroller General's Procurement Decisions (CPD) citation did not appear to state the principle for which the protester cited the decision. In still others, we were unable to locate decisions matching one of either the B-number or CPD citation provided by the protester. The protester also cited what it represented to be direct quotations from certain decisions, but we were unable to locate those decisions using the citations provided; decisions matching some aspects of the citations did not contain the quoted language; and we were unable to locate any decisions of our Office containing the quoted language.

As a result, we requested that the protester submit comments (1) addressing the basis for the case citations in its responses to the requests for dismissal; (2) providing copies of the cases cited in those responses; and (3) if the protester's representative is an attorney, identifying the state(s) in which he is licensed to practice law. Notice of Req. for Additional Briefing at 5. In response, the protester confirmed that its representative is not a licensed attorney, and stated that he had "rel[ied] of public databases, [artificial intelligence (AI)]-assisted tools, online case repositories, and secondary legal research summaries to guide [his] understanding of GAO precedent." Resp. to Req. for Additional Briefing at 1. The protester stated that the identified irregularities "arose from reliance on these automated or secondary tools, which misrepresented or misattributed certain case law and statutory language." *Id.*

As the U.S. Court of Federal Claims recently recognized, the use of AI programs to draft or assist in drafting legal briefs can--and seemingly often does--result in the citation of non-existent cases. See *Sanders v. United States*, No. 24-cv-1301, __ Fed. Cl. __, 2025 U.S. Claims LEXIS 697, at *9-13 (discussing cases where attorneys and *pro se* litigants have cited non-existent, AI-generated decisions). To the extent the protester used AI tools to help draft its responses to the requests for dismissal without engaging in any review of the material for accuracy--resulting in the irregularities discussed above--that practice wastes the time of all parties and GAO, and is at odds with the statutory mandate that our bid protest forum provide for "the inexpensive and expeditious resolution of protests." 31 U.S.C. § 3554(a)(1).

While courts have sanctioned both attorneys and *pro se* litigants for citing non-existent, AI-generated decisions pursuant to their applicable rules of procedure, see *id.* at *11-13 (collecting cases involving sanctions), those rules do not apply in this forum. Nevertheless, our Office necessarily reserves an inherent right to dismiss any protest and to impose sanctions against a protester, where a protester's actions undermine the integrity and effectiveness of our process. *BBGSRO Constr. S.R.L.*, B-423091, B-423091.2, Jan. 21, 2025, 2025 CPD ¶ 40 at 6-8; *Latvian Connection LLC*, B-413442, Aug. 18, 2016, 2016 CPD ¶ 194 at 6; *PWC Logistics Servs. Co. KSC(c)*, B-310559, Jan. 11, 2008, 2008 CPD ¶ 25 at 12. The inherent right of dispute forums to levy sanctions in response to abusive litigation practices is widely recognized and has been characterized by the Supreme Court as "ancient [in] origin," and governed not by rule or statute, but by the control necessarily vested in a forum to manage its own affairs. *Roadway Express, Inc. v. Piper et al.*, 447 U.S. 752, 765 (1980). Because, as

discussed above, we dismiss this protest as academic, we do not exercise that right here. We do, however, advise the protester--and future parties that appear before this forum--that after a review of the totality of the circumstances surrounding the submission and content of pleadings submitted to our Office, the submission of filings with citations to non-existent authority may result in the imposition of appropriate sanctions.⁵

The protest is dismissed.

Edda Emmanuelli Perez
General Counsel

⁵ As discussed above, the protester's representative is not a licensed attorney. We do, however, note that an attorney's citation of non-existent, AI-generated decisions may implicate applicable rules of professional conduct. *See, e.g., United States v. Hayes*, No. 2:24-cr-0280, ___ F. Supp. 3d ___, 2025 U.S. Dist. LEXIS 9408, at *19 (E.D. Cal. 2025) ("Submitting fictitious cases and quotations to the court 'degrades or impugns the integrity of the Court' and 'interferes with the administration of justice' in violation of Local Rule 180(e), and violates California Rules of Professional Conduct 3.1(a)(2), 3.3(a)(1), and 3.3(a)(2)."). In that regard, our standard protective order makes clear that any violation of the terms of the protective order "may result in the imposition of such sanctions as GAO deems appropriate," including, *inter alia*, "referral of the violation to appropriate bar associations or other disciplinary bodies[.]" We therefore further advise attorneys that appear before this forum that sanctions for the citation of non-existent authority may include referral to appropriate bar associations or other disciplinary bodies.