

THE DANGER OF USING ARTIFICIAL INTELLIGENCE IMPROPERLY

©2025 Richard D. Lieberman , Consultant & Retired Attorney

The problem of improper use of Artificial Intelligence (“AI”) in cases and pleadings has been a recurring theme over the past year or two. This blog will not discuss any of those cases, except for three bid protests at the Government Accountability Office (“GAO”).

In *Oready, LLC*, B-423524.2, August 13, 2025, the protester asserted that a solicitation was unduly restrictive of competition, but the GAO dismissed the protest as academic, because the agency agreed to take corrective action, including amending the solicitation. We do not discuss substance, only the discussion in the case concerning “Improper Legal Citations.” Stating that this was the second instance in which Oready’s briefing has included “inaccurate or fabricated legal citations, the GAO noted as follows:

[T]he protester is specifically advised that the submission of filings to our Office in future protests with citations to non-existent authority may result in the imposition of appropriate sanctions. [] *Oready LLC*, B-423524, June 5, 2025 (unpublished decision). Here, again, the protester includes misleading citations or citations to non-existent decisions. For example, Oready's protest cites to *Total Health Resources*, a potentially pertinent decision, but applies an inaccurate “B”-number [], publication date, and CPD entry. More concerning, in its response to the agency's request for dismissal, Oready cites to “*BluePath Labs, LLC*, B-421791, Aug. 4, 2023.” [] However, this B-number refers to an unpublished decision of our Office involving a different party, in which we dismissed as academic a protest where the agency cancelled the underlying solicitation. [] Moreover, our decisions resolving protests brought by the firm BluePath Labs have no import to Oready's protest, here.

Similarly, the protester cites to “*Sayres & Assocs. Corp.*, B-418374.3, July 20, 2020, [2020 CPD ¶ 242](#)” as standing for the proposition that “[c]orrective action must be ‘adequate and reasonably certain to address the protest grounds’--not simply an agency statement that it will ‘review’ or ‘consider’ changes.” [] That B-number, publication date, and CPD log entry references no decision of this Office. While there is an actual decision issued by our Office entitled [Sayres & Assocs. Corp., \(B-418374, Mar. 30, 2020, 2020 CPD ¶ 115\)](#), the decision concerns a price realism challenge; our Office's decision has no bearing on the instant protest and does not at all stand for the proposition suggested by the protester.

In like fashion, the protester cites to “*GTA Containers, Inc.*, B-411556, Sept. 16, 2015, [2015 CPD ¶ 281](#).” [] This B-number refers to an unpublished decision involving a different party, in which our Office dismissed as academic a protest challenging the evaluation of quotations where the agency cancelled the award and underlying solicitation. [] Moreover, the decisions from our Office resolving protests brought by the firm GTA Containers, Inc., have no relevance to the protest at hand, and they do not stand for the proposition the protester asserts. And finally, the protester cites to “*Bannum Inc.*, B-416107.2, June 12, 2018, [2018 CPD ¶ 204](#).” Again, no such B-number exists, and none of the six decisions our Office has issued in response to protests brought by

Bannum Inc., have any relevance to the instant protest, nor do they stand for the proposition Oready proclaims.

Oready, B-423524.2, internal citations omitted.

When GAO asked Oready to explain, the company stated that the “research was conducted in-house by our small, non-attorney team using publicly available sources [] under tight deadlines” and errors arose from manual mismatches in secondary summaries.” The response was not accepted by GAO, which stated that the mistakes “bear the hallmarks of the use of a large-language model or other artificial intelligence (AI) without adequate verification that the results were accurate.” GAO also rejected the argument that the protester was not represented by counsel.

GAO stated that Oready’s conduct undermined the proper functioning of this forum “as fictitious or otherwise erroneous case citations have a deleterious effect on our Office’s ability to promptly resolve bid protest and resources of the parties and our forum.” GAO reserved the right to dismiss any protest and to impose sanctions were the protester’s action undermined the integrity of GAO’s process. Because GAO dismissed the protest as academic, it did not exercise that right here but advised the protester again that any further conduct like this may result in sanctions.

In an even more recent case, *Helgen Industries d/b/a De Santis Gunhide*, B-423635, Aug. 26, 2025, the issue was whether the protester was an actual or prospective offeror, and GAO dismissed the protest because Helgen was a large business and could not be an actual or prospective offeror. Helgen had submitted the proposal through a small business distributor and cited two cases in support of its protest:

- *Palmetto GBA, LLC*, B-412414.3 (2016)
- *The Emergence Group*, B-400403 (2008)

In response to the agency’s statement that it could not find these two cases cited, Helgen cited two more cases which were improperly cited and could not be found—and neither of them was relevant to the question of Helgen’s status as an interested party

The GAO stated that “[t]o the extent that the faulty citations are the product of the protester’s reliance in artificial intelligence (AI) programs we note that [such] programs to draft or assist in drafting legal filings can result in the citation of non-existence decisions...” GAO again reserved its right to impose sanctions for non-existent citations, and warned the protester that any such submission may result in the imposition of sanctions.

Takeaway. If you want to use AI to find citations for your pleadings at GAO (or any other legal forum) you must carefully (manually) check the results to be sure that:

- The citation is accurate; and
- The case cited stands for the proposition stated in your pleading.
-

If you fail to do these two things, you will fall into the AI trap, and if your error is discovered, may result in the imposition of sanctions.

For other helpful suggestions on government contracting, visit:

Richard D. Lieberman's FAR Consulting & Training
at <https://www.richarddlieberman.com/>, and **Mistakes in Government Contracting**
at <https://richarddlieberman.wixsite.com/mistakes>.