



# Decision

**Matter of:** Helgen Industries d/b/a DeSantis Gunhide

**File:** B-423635

**Date:** August 26, 2025

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Daniel DeSantis for the protester.  
Ethan S. Chae, Esq., and Carlos S. Pedraza, Esq., Department of Justice, for the agency.  
Kenneth Kilgour, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## DIGEST

Protest that the agency unreasonably made award to an ineligible large business is dismissed where the protester is a manufacturer of the items being procured and not an actual or prospective offeror.

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## DECISION

Helgen Industries, doing business as DeSantis Gunhide, protests the award of a contract to Safariland, LLC, under request for proposals (RFP) No. SHOP-PR-25-001520<sup>1</sup>, issued by the Department of Justice, Federal Bureau of Investigation (FBI), for concealment and tactical holsters. The protester contends that the awardee is an ineligible large business.

We dismiss the protest

The solicitation contemplated the award of two fixed-price indefinite-delivery, indefinite-quantity (IDIQ) contracts with a base year and four 1-year options.<sup>2</sup> Req. for Dismissal,

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<sup>1</sup> The protest cites to RFP No. RFP-2024-FTU-001. Protest at 1. The FBI notes, however, that the cited solicitation did not result in the award to Safariland and explains that the protested award was made pursuant to RFP No. SHOP-PR-25-001520. Req. for Dismissal at 1.

<sup>2</sup> While the protester asserts that the RFP was issued as a small business set-aside, neither Federal Acquisition Regulation (FAR) clause 52.219-6 (Notice of Total Small  
(continued...))

attach. 2, RFP at 6. The FBI anticipated the award of one IDIQ contract for concealment holsters and one for tactical holsters. *Id.*

The protester alleges that the awardee is a large business manufacturer and that the award violates various FAR clauses and Small Business Administration (SBA) regulations. Protest at 1. The FBI requests dismissal of the protest, asserting that DeSantis is not an interested party to bring the protest. Req. for Dismissal at 2, *citing* 4 C.F.R. § 21.1(a) (only an interested party may file a protest with GAO).

An interested party as “an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.” 4 C.F.R. § 21.0(a). A party’s protest interest is based on its own direct economic interest as the firm next in line for award if its protest is sustained; a protester’s interest as a manufacturer of a product to be supplied by another offeror in line for award is not sufficient for the protester to be considered an interested party under our Regulations. *Vitalink Communs. Corp.*, B-232636, Nov. 21, 1988, 88-2 CPD ¶ 499 at 2. A prospective supplier does not have the requisite interest to be considered an interested party to protest because it is not a prospective or actual offeror. *Allied Tube & Conduit*, B-252371, Apr. 27, 1993, 93-1 CPD ¶ 345 at 1-2.

The FBI argues that it is “undisputed” that the protester is not an actual or prospective offeror. Req. for Dismissal at 3. In fact, DeSantis acknowledges that it is “a veteran-owned, small business manufacturer” that submitted a proposal “through an eligible small business distributor.” Protest at 2. Nonetheless, DeSantis argues that it is an interested party to protest, citing two cases:

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

Protester, GAO Manufacturer Protest Eligibility Summary at 1. The protester contends that these cases establish that a manufacturer may qualify as an interested party when it is the source of the proposed product, the manufacturer has a direct and substantial interest in the outcome, and the manufacturer is adversely affected by an award to an ineligible offeror. *Id.*

The agency advised our Office that it “was not able to find or verify either of those cases through research.” Req. for Dismissal at 3-4. Neither was our Office. In response to the agency’s request for dismissal, DeSantis reiterates that it is “a manufacturer whose products were the basis of a formal [proposal] submitted by a small business distributor.” Resp. to Req. for Dismissal at 1. Without responding to the FBI’s claim that it was unable to find the cases cited in the protest attachment, DeSantis referenced two

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Business Set-Aside) nor clause 52.219-7 (Notice of Partial Small Business Set-Aside) was incorporated into RFP No. SHOP-PR-25-001520. RFP at 30. Both clause 52.219-14 (Limitations on Subcontracting) and clause 52.219-33 (Nonmanufacturer Rule) were incorporated, however. *Id.* at 30-31.

more cases in support the proposition that as a manufacturer of the solicited products it is an interested party: *Pacific Sky Supply, Inc.*, B-203644 (1981) and *American Imaging Services, Inc.*, B-401942 (2010). *Id.* at 2. Again, our Office was unable to locate these two cited decisions. The citation under B-203644 corresponds with *General Servs. Admin.--Reconsideration*, B-203644, Aug. 31, 1982, while the citation for the decision assigned B-401942 is for *Milani Construction, LLC.*, B-401942, Dec. 22, 2009, 2010 CPD ¶ 87. Neither of these decisions is in any way relevant to the question of DeSantis's status as an interested party.<sup>3</sup>

In short, while DeSantis may be a manufacturer of the solicited products, it is not an actual or prospective offeror. Protest at 2; Resp. to Req. for Dismissal at 1. For that reason, DeSantis is not an interested party eligible to protest the award. *Vitalink Communs. Corp.*, *supra*.

The protest is dismissed.

Edda Emmanuelli Perez  
General Counsel

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<sup>3</sup> To the extent that the faulty citations are the product of the protester's reliance on artificial intelligence (AI) programs, we note that the use of AI programs to draft or assist in drafting legal filings can result in the citation of non-existent decisions, such that reliance on those programs without review for accuracy wastes the time of all parties and GAO. *Raven Investigations & Sec. Consulting, LLC*, B-423447, May 7, 2025, 2025 CPD ¶ 112 at 4. As we have explained, 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. *Id.* Here, because we dismiss this protest because the protester is not an interested party, we do not exercise our right to impose sanctions for submission of non-existent citations. The protester, however, is advised that any future submission of filings to our Office with citations to non-existent authority may, after a review of the totality of the circumstances, result in the imposition of sanctions.