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Advisory Council

How to Submit Your Comment to SBA

Filing Guide, Sample Letter, and Questions & Answers · Comments Close Monday, September 21, 2026

EXHIBIT B *to the MBAC Call to Action on Federal SBA Size Standards*

MBAC has prepared this guide for members who have never filed a federal comment before. It contains everything needed to place your firm on the public record: what SBA has proposed, how to file, a letter you may adapt to your own business, and answers to the questions we have been receiving. You do not need an attorney, a lobbyist, or a federal contract to participate. Filing requires approximately ten minutes.

> **Why this matters if you never bid a federal job.** Every small business inclusion program in this country — whether it is founded upon race, upon gender, upon veteran status, upon disadvantage, or upon size alone — descends from the federal small business contracting program created by the Small Business Act of 1953 to address the documented inequity faced by small businesses in federal contracting. Our state WMBE programs, the DBE program, city and county small works rosters, transit and port programs, and school district inclusion goals were all built upon that federal architecture, and a great many of them still define "small" by direct reference to federal standards.
>
> If the federal definition is stretched to admit firms with a quarter of a billion dollars in annual receipts, the meaning of "small business" erodes everywhere that definition is used — including in the state, county, city, transit, port, and K–12 programs in which your firm actually competes. That is why we are asking every member to file a comment, federal contractor or not.

PART ONE — THE ACTION AND HOW TO FILE

1. What Is Being Proposed

On August 20, 2026, the United States Small Business Administration published a proposed rule (RIN 3245-AI67, 91 FR 53741) that would rewrite how the federal government determines which firms count as small. This is not a routine inflation adjustment. Among other provisions, the proposal would:

- Consolidate roughly 1,000 industry-specific size standards down to 338, collapsing distinctions between industries that operate and capitalize very differently.
- Remove the ceiling that has previously capped how high any size standard may be set.
- Convert the construction trades from revenue-based standards to employee-based standards ranging from 550 to 2,000 employees.
- Raise Engineering Services (NAICS 541330) from $25.5 million to $252 million, and Environmental Consulting (NAICS 541620) from $19 million to $295 million.
- Newly qualify an estimated 114,541 businesses as "small," including 37,002 firms that already hold federal contracts worth a combined $71 billion.

SBA published a second, companion document on the same day: a notice releasing its 2026 Revised Size Standards Methodology white paper, which is the analytical framework used to produce those figures and the framework SBA intends to apply in every future review. It carries its own docket number. Both are open for public comment until the same date.

> **Two dockets, one deadline.** Filing on both is the strongest position: the first governs the figures proposed today, and the second governs how every future threshold will be calculated.
>
> **Proposed rule:** Docket **SBA-2026-0199** (RIN 3245-AI67)
>
> **Methodology white paper:** Docket **SBA-2026-0265**
>
> **Deadline:** SBA must *receive* comments on or before **Monday, September 21, 2026**. This is a receipt deadline, not a postmark deadline.

2. How to File — Step by Step

1. **Go to regulations.gov.** Open a web browser and go to **www.regulations.gov**. No account is required and there is no charge.
2. **Search the docket number.** Enter **SBA-2026-0199** in the search bar. Open the entry titled "Small Business Size Standards" and confirm the comment period shows as open.
3. **Select "Comment."** The button appears on the docket page and opens a form containing a free-text box.
4. **Paste or upload your letter.** You may paste your text directly into the comment box or attach it as a PDF or Word file. We recommend attaching your letter on company letterhead and pasting a two- or three-sentence summary into the box. Letterhead signals to the reader that an operating business is speaking.
5. **Complete the identifying fields.** Enter your name, your firm, your city and state, and select "Business" or "Organization" as the commenter type. Identifying your firm and its NAICS code makes your comment considerably more useful to the analysts who review the record.
6. **Review and submit.** Regulations.gov will display a preview. Upon submission you will receive a comment tracking number on screen, and by email if you provided an address.
7. **Retain your receipt.** Save or screenshot the tracking number. Then repeat steps 2 through 6 for Docket **SBA-2026-0265** if you are also commenting on the methodology.
8. **Send MBAC a copy.** Forward your submitted comment to correspondence@nmbac.org so that we may track the volume and geography of the response and reference the record in our own filing.

> **If you are unable to file online.** The Federal Register notice lists alternate submission methods in its ADDRESSES section, including mail. Given the thirty-day window and the receipt deadline, we strongly recommend electronic filing through regulations.gov. If your comment contains confidential business information, do not place it in the public comment box; follow the separate CBI instructions in the ADDRESSES section of the notice.

3. What Makes a Comment Count

Agencies are required to consider substantive comments. They are not required to be persuaded by volume alone. A brief and specific letter from an operating business carries more weight than a lengthy and general one.

We recommend that you

- State your NAICS code and identify where your firm actually sits relative to the current and proposed ceiling. For example: “We are a fourteen-person firm under NAICS 541330. The proposed ceiling is $252 million. Our annual receipts are under $4 million.” That single sentence carries more weight than a page of general argument.
- Describe a concrete consequence — contracts for which you would no longer be competitive, staff you have hired on the strength of set-aside work, or a pursuit you would decline.
- Connect the federal change to your state or local program. If your city, county, or state program defines “small” by reference to SBA standards, state so and name the program.
- Request something specific, such as retention of a ceiling on how high standards may be set, preservation of industry-level distinctions, or publication of the underlying data.
- Sign the letter with your name, title, firm, and city.

We recommend that you avoid

- Form letters submitted verbatim by many firms. They are logged into the record, but they are counted as a single position rather than as many.
- Anger without figures. The record is reviewed by economists and attorneys, and a measured letter containing your own numbers lands considerably harder.
- Waiting until September 20. Late comments may not be considered.

PART TWO — SAMPLE COMMENT LETTER

> **How to use this template.** Place the letter on your own company letterhead. Replace every item shown in **[maroon brackets]** with your own information, delete the small italic paragraph labels, and remove any paragraph that does not apply to your firm. Then read it once more and cut anything that is not true of your business.
>
> **This is a starting point, not a script.** Agencies discount identical form letters. The paragraphs that will carry your comment are the ones only you can write — your NAICS code, the size of your firm, and the specific contracts and hiring decisions at stake. Two original sentences about your own business outweigh two pages of borrowed argument.

[Your Company Letterhead]

[Date]

Administrator
United States Small Business Administration
Office of Size Standards
409 Third Street SW
Washington, DC 20416
Submitted electronically via www.regulations.gov

RE: COMMENT ON PROPOSED RULE — SMALL BUSINESS SIZE STANDARDS

DOCKET NO. SBA-2026-0199 · RIN 3245-AI67 · 91 FR 53741 (AUG. 20, 2026)

Dear Administrator,

→ Paragraph 1 — Who you are (delete this label)

We are **[Firm Name]**, a **[number]**-person **[architecture / engineering / environmental consulting / surveying / general contracting / specialty trade]** firm headquartered in **[City, State]**. We have operated since **[year]** and perform work primarily under NAICS **[code]**. **[We are certified as a ____ through ____. / We hold no certifications.]** Our annual receipts are approximately **[$ amount or range]**. We submit this comment on behalf of our firm and our employees.

→ Paragraph 2 — Where you sit against the proposed ceiling (delete this label)

The current size standard for our industry is **[$ amount]**. The proposed standard is **[$ amount or employee count]**. Our firm operates roughly **[X]** times below the current ceiling and roughly **[Y]** times below the proposed one. Under this proposal, we would compete for the same set-aside contracts against firms approximately **[number]** times our size.

→ Paragraph 3 — What this would mean for your business (delete this label)

[Describe one or two concrete consequences. Examples: contracts you have won as a small business for which you would no longer be competitive; staff you have hired on the strength of set-aside work; a pursuit you would decline if the field included firms of that size; bonding or capital limitations that a $252 million competitor does not face.]

→ Paragraph 4 — The reach beyond federal contracting (delete this label)

Our concern is not confined to federal procurement. **[Name your state, county, city, transit, port, or school district program.]** defines eligibility for its small business and inclusion programs by reference to federal small business standards. Every small business inclusion program in this country descends from the federal small business contracting program created by the Small Business Act of 1953 to address documented inequity in federal contracting, and a great many of those programs still define “small” by direct reference to federal standards. When the federal definition expands, those programs follow. A change made at SBA therefore reaches every state and local agency that has built its program upon this foundation, including the agencies where our firm performs the majority of its work.

→ Paragraph 5 — Requested action (delete this label)

Therefore, we respectfully request that SBA consider the following before issuing a final rule:

- Retain a ceiling on how high a size standard may be set. Removing the cap entirely leaves no outer limit on what may be designated a small business in future reviews.
- Preserve industry-level distinctions rather than consolidating standards at the four-digit NAICS level. A single ceiling covering architecture, engineering, testing, and surveying does not reflect how differently these industries are capitalized or staffed.
- Reconsider converting the construction industries to employee-based standards in the 550 to 2,000 range, which stands well above the workforce of the overwhelming majority of firms in those trades.
- Publish the firm-size and market-concentration data underlying the proposed ceilings in a reviewable format, so that affected businesses may evaluate the analysis rather than only its conclusions.
- Analyze the effect of these changes upon small, minority-owned, women-owned, veteran-owned, and disadvantaged business enterprises, and upon the state and local programs that reference federal size standards, before finalizing this rule.
- Extend the comment period beyond thirty days, given that this proposal revises standards across 338 industry groups simultaneously.

→ Paragraph 6 — Close (delete this label)

We appreciate the opportunity to comment and we are at the ready to provide additional information regarding our firm or our market if it would assist the record. We thank you for your attention to the concerns of the small business community this program was established to serve.

Sincerely,

[Name], [Title]
[Firm Name]
[Address]
[Phone] · [Email]
[NAICS code(s)] · [Certification number(s), if any]

If You Have Only Five Minutes

A brief comment placed into the record is worth more than a long one that never gets filed. If the full letter is more than your schedule permits, paste the following into the comment box on regulations.gov, fill in your own details, and stop there.

> **RE: DOCKET NO. SBA-2026-0199 — SMALL BUSINESS SIZE STANDARDS**
>
> I am **[name]**, **[title]** of **[firm]**, a **[number]**-person firm in **[city, state]** performing work under NAICS **[code]**. Our annual receipts are approximately **[$ amount]**.
>
> The proposed size standard for our industry is **[$ amount or employee count]**, roughly **[X]** times the size of our firm. Should this rule be finalized, we would compete for small business set-asides against companies of that scale. **[One sentence on what that would cost your firm.]**
>
> I respectfully request that SBA retain a ceiling on how high size standards may be set, preserve industry-level distinctions rather than consolidating them, and publish the underlying firm-size data before issuing a final rule. I further request that SBA analyze the effect of these changes upon small, minority-owned, women-owned, and veteran-owned business enterprises, and upon the state and local programs that define “small” by reference to federal standards.

PART THREE — QUESTIONS AND ANSWERS

We do not perform federal work. Why should we comment?

Because the federal definition of “small business” is the template the remainder of the country follows. State WMBE and DBE programs, municipal small business set-asides, transit and port programs, and school district inclusion goals were all modeled upon the federal small business program, and a great many of them adopt SBA size standards by direct reference. When the federal ceiling moves, those programs tend to follow it. We also pay the taxes and approve the bonds that fund every one of those agencies. That is standing enough to be heard.

Would a higher ceiling not permit our firm to remain small longer?

It would extend your eligibility, and for some firms that is a genuine benefit worth stating in your comment. But eligibility is not the same as opportunity. A set-aside pool that now admits firms with $252 million in annual receipts is a pool in which your firm competes against companies a hundred times its size for the same contracts. More competitors pursuing a fixed number of set-aside dollars means a smaller share for genuinely small firms. Both effects are legitimate to raise, and SBA has invited comment on precisely this trade-off.

Is this already law?

No. It is a proposed rule. Current size standards remain in effect unless and until SBA issues a final rule. The comment period is the point at which the public record is built, and it closes September 21, 2026.

Will our comment be made public?

Yes. SBA posts comments on regulations.gov, including the name and organization you provide. Treat your letter as a public document. Do not include confidential financial detail you would not wish a competitor to read; ranges and orders of magnitude make the point equally well.

How long does our letter need to be?

One page is sufficient. Half a page containing your own figures is better than three pages without them.

Do we need an attorney to review it?

No. You are describing your own business and your own experience, which requires no legal expertise. If your firm has counsel and the letter touches upon pending procurements, a brief review is prudent, but it is not required.

May more than one person from our firm submit?

Yes, and it assists the record when the perspectives genuinely differ — an owner writing on capital and bonding, a project manager writing on pursuit decisions. Identical text submitted twice adds no weight.

Our firm is not in architecture, engineering, or construction. Does the briefing still apply?

The baseline briefing enclosed as Exhibit A uses A/E/C codes as its worked example because that is where MBAC holds the deepest data. The proposal itself covers 338 industry groups across the entire economy. Look up your own NAICS code in the proposed rule and comment on your figures rather than on ours.

What is the difference between the two dockets?

Docket SBA-2026-0199 is the proposed rule containing the specific new thresholds. Docket SBA-2026-0265 is the methodology white paper explaining how SBA calculated them and how it intends to calculate them in every future review. Commenting on the methodology has the longer reach, as it shapes every threshold revision that follows this one.

We are certified through our state, not through SBA. Does that change anything?

Your certification is not directly affected by this rule. However, most state certification programs, including those in Washington State, define business size with reference to federal standards or to thresholds established in the same tradition. If you hold a state certification, state so in your letter and name the certifying agency. Comments from certified firms across multiple states demonstrate the national reach of this change.

What else can we do beyond filing a comment?

Forward this packet to your trade association, your certification office, and to other certified firms in your network, and ask your association to file an organizational comment. Please also notify MBAC of certification networks in other states that should receive this packet, so that we may extend the reach of this effort.

The Four Facts to Keep in Front of You

Item	Detail
Deadline	Monday, September 21, 2026 — comments must be received, not merely sent
Proposed rule docket	SBA-2026-0199 (RIN 3245-AI67), 91 FR 53741, published Aug. 20, 2026
Methodology docket	SBA-2026-0265, published Aug. 20, 2026
Where to file	www.regulations.gov — search the docket number and select “Comment”

> **MBAC is in this fight, and we are at the ready to assist.** If you would like a second set of eyes on your comment letter before you file it, or if you know of certification networks in other states that should receive this packet, please write to correspondence@nmbac.org or call 1-800-646-4008. The more testimonials placed into the record, the stronger our collective position.

Prepared by the National Minority Business Advisory Council. This guide describes a federal public rulemaking process and is not legal advice.