

External Frequently Asked Questions for the 2021 Cooperative Agreement to Support Navigators in Federally-facilitated Exchanges (Funding Opportunity)

The information provided in this resource is only intended to highlight key steps in the federal cooperative agreement submission process for individuals and entities who are new to or who have limited experience applying federal cooperative agreements. This resource *is not* intended to take the place of the requirements, information, statutes, regulations, and other guidance in the Funding Opportunity that it is based upon.¹

Eligible and Ineligible Applicants

Q1. Who can apply for this Funding Opportunity?

A1. This Funding Opportunity is open to individuals and private and public entities capable of carrying out the Navigator duties and other program requirements in a state with a Federally-facilitated Exchange (FFE), as outlined in statute, regulations, and this announcement (see Section A. *Program Description* of the Funding Opportunity).

Under section 1311(i)(2)(B) of the Affordable Care Act (ACA), eligible entities may include, but are not limited to, community and consumer-focused nonprofit groups; trade, industry, and professional associations; commercial fishing industry organizations; ranching and farming organizations; chambers of commerce; unions; resource partners of the Small Business Administration; other licensed insurance agents and brokers; and other public or private entities or individuals that meet the requirements of this section. Such other entities may include but are not limited to Indian tribes, tribal organizations, urban Indian organizations, and State or local human service agencies.

Eligible applicants may choose to partner with other entities and/or individuals to form a consortium of subrecipients in order to target a larger total portion of the underserved or vulnerable populations. In the case of an application from more than one entity or individual (i.e., a consortium), applicants must designate a lead applicant to serve as the primary contact for, and recipient of, federal funding, and that will serve as the pass-

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through entity for making federal funds awarded under the Funding Opportunity available to other consortium members.

Q2. What happens if an organization is awarded Navigator funding to serve a state that transitions from an FFE to a State-based Exchange (SBE) or State-based Exchange on the Federal Platform (SBE-FP) during the 36-month project period of performance?

A2. Should the FFE in a state (or, in the case of a multi-state award, all applicable states) in which a Navigator awardee has received funding through this Funding Opportunity transition from an FFE to an SBE or SBE-FP before the 36-month project period of performance ends, the Navigator cooperative agreement would end and any unused funds would be returned to HHS. In accordance with 45 C.F.R. §155.106, any state seeking approval from HHS to operate an SBE or SBE-FP must coordinate with HHS on a jointly-developed transition plan, including a process and timeline for ending this cooperative agreement. In the case of a multi-state award, the Navigator cooperative agreement would remain in place for any FFE in a state that remains an FFE.

Q3. Are there any prohibitions for Agents and Brokers who want to apply for Navigator funds under this Funding Opportunity?

A3. Yes. Although licensed agents and brokers are eligible to apply, section 1311(i)(4) of the ACA prohibits a Navigator from being “a health insurance issuer” or from “receiv[ing] any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any qualified individuals or employees of a qualified employer in a qualified health plan.” CMS regulations at 45 C.F.R. §§ 155.210(d)(1)-(4) and 155.215(a)(1) implement this statutory provision.

In guidance, CMS has explained that agents and brokers who sell lines of insurance other than health insurance or stop loss insurance (for example, auto, life, and homeowners’ policies) would not be prohibited from receiving consideration from the sale of those other lines of insurance while serving as a Navigator. However, agents and brokers that sell lines of insurance other than health insurance or stop loss insurance, and that opt to become Navigators, would have to disclose these non-prohibited lines of

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business to the FFE and (in plain language) to each consumer assisted, per § 155.215(a)(1)(iv)(A).

Q4. Are tribal entities eligible to apply under this announcement?

A4. Yes, Indian Tribes, tribal organizations, and urban Indian organizations are eligible to apply. Tribal Applicants should include the federally recognized Indian Tribal lands of their target Tribal population, the county(ies) it includes, and how they plan to serve the different geographic areas of their target population in their application, as noted in the Funding Opportunity.

Q5. Are individuals eligible to apply to be a Navigator?

A5. Yes. However, all applicants, including those applying as individuals, must apply using a valid Employer Identification Number (EIN), or other Taxpayer Identification Number (TIN) assigned by the Internal Revenue Service. Individuals may choose to provide their personal Social Security Numbers (SSNs) to apply via Grants.gov. In compliance with Section 7 of the Privacy Act of 1974, please note that disclosure of your SSN is voluntary, the submission of your SSN is not mandated by any statutory authority, and this number may be used for all of the following purposes:

- To verify an individual applicant is a U.S. Citizen or a legal permanent resident.
- To confirm the individual does not owe any debt to the federal government.
- To confirm if the individual is debarred or suspended from participation in Federal assistance programs (see the Department of Health & Human Services (HHS) Grants Policy Statement).
- To complete a background check on the individual.
- To comply with HHS business review requirements, the SSN may be used to determine the adequacy of the applicant's financial and business management capabilities that will support the expenditure of and accountability for CMS funds. This may include submitting the individual's SSN for a credit check.
- If selected for award, to create an account in the Payment Management System linked to the SSN.

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- If selected for award, to create an account in the Grants Management system used to manage, monitor, and make changes to awards. This system is also used for regular correspondence between the awardee and CMS.
- If selected for award, the individual will have to insert the SSN on all federal reporting forms completed in the Payment Management System and/or Grants Management System used by CMS.

Q6. Can a state-run or public hospital apply to be a Navigator? What if it receives payment from an issuer for services rendered?

A6. Yes, hospitals are generally considered eligible to apply for Navigator funding. Regarding the receipt of payment from a health insurance issuer or issuer of stop loss insurance, pursuant to 45 C.F.R § 155.210(d)(4), in the FFEs, no health care provider (such as a hospital) would be ineligible to operate as a Navigator solely because it receives consideration from a health insurance issuer for health care services provided.

Q7. Is an entity that sells Medicaid or Medicare managed care plans eligible to apply to be a Navigator?

A7. It depends. If an applying entity or one of its corporate affiliates is required to be licensed to engage in the business of insurance in a state and is subject to state law that regulates insurance, it might be a health insurance issuer or have a relationship with a health insurance issuer that would make it *ineligible* to enter into a Navigator cooperative agreement. See definition of “health insurance issuer” at 45 C.F.R. §§ 155.20 and 144.103. CMS will evaluate specific corporate structures on a case-by-case basis. The Funding Opportunity requires applicants to submit a brief statement attesting that they are not an ineligible entity. Please keep the foregoing guidance in mind when drafting that statement (for example, by disclosing any corporate relationships with an entity that is required to be licensed to engage in the business of insurance in a state and that is subject to state law that regulates insurance).

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Q8. Is there anyone who is ineligible to apply for this Funding Opportunity?

A8. Yes, health insurance issuers; subsidiaries of health insurance issuers; issuers of stop loss insurance and their subsidiaries; associations that include members of, or lobby on behalf of, the insurance industry; or recipients of any direct or indirect consideration from any health insurance or stop loss insurance issuer in connection with the enrollment of any individuals or employees in a qualified health plan (QHP) or non-QHP. CMS has clarified in regulation that no health care provider shall be ineligible to operate as a Navigator in an FFE solely because it receives consideration from a health insurance issuer for health care services provided.

Q9. Are there any additional requirements after awards are made to ensure that an awardee remains eligible throughout the course of the 36-month period of performance?

A9. Yes.

- Recipients must continue to meet all eligibility requirements and reporting deadlines laid out in the Funding Opportunity (see Sections A4. Program Requirements, C1. Eligible Applicants, and F5. Reporting of the Funding Opportunity) to be eligible throughout the initial 12-month budget period, and to remain eligible for a non-competing continuation award for subsequent budget periods of the 36-month period of performance. CMS will provide awardees the instructions for completing the Federal Navigator training and reporting requirements.
- Pursuant to CMS regulations at 45 C.F.R. § 155.215(b)(1)(iv), Navigator cooperative agreement awardees in the FFEs must obtain continuing education and be certified and/or recertified on at least an annual basis.
- CMS regulations at 45 C.F.R. § 155.210(c)(1)(iii) require that entities and individuals eligible to receive a Navigator grant must meet any applicable State or Exchange licensing, certification, or other standards, if applicable, so long as such standards do not prevent the application of the provisions of title I of the ACA.

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- Consistent with 45 C.F.R. § 155.215(a)(1)(i), all applicants (individuals, entities, and all members making up a consortium) must submit a brief statement (one or two short paragraphs) within the Cover Letter attesting that they, as Navigator cooperative agreement applicants, are not ineligible entities, and include attestations that all other Navigator entities (including the Navigator(s), Navigator's staff, and subrecipients and contractors performing Navigator duties), do not have any of the prohibited relationships with health insurance or stop loss insurance issuers. As is explained in 45 C.F.R. § 155.215 and the preamble language discussing that provision, some conflicts of interest (other than the prohibited relationships outlined above) would not be absolute bars to service as a Navigator, provided that the conflict of interest would not ultimately prevent the entity or individual from providing information and services in a fair, accurate, and impartial manner. In addition, in accordance with 45 C.F.R. § 155.215(a)(1)(ii) and in compliance with the Standard Terms and Conditions that will be included in a Notice of Award, all successful applicants will be required to provide a written plan to remain free of conflicts of interest during the term as a Navigator and to disclose to CMS, as operator of the FFE, and to each consumer who receives application assistance from the Navigator certain non-disqualifying conflicts of interest as specified in 45 C.F.R. § 155.215(a)(1)(iv).
- Please also see sections *A4. Program Requirements* and *B2. Award Information* of the Funding Opportunity for additional information on what is considered to be strong performance for continued funding throughout the duration of the 36-month period of performance. At any time in the period of performance, recipients could receive decreased funding or their award could be terminated if they fail to perform the requirements of the award.

Q10. Can a consortium with multiple entities and/or individuals divide the required Navigator duties so that one group is performing some of the duties and another group is performing other duties?

A10. Yes, as long as all of the required duties of a Navigator are successfully carried out according to the Funding Opportunity and terms and conditions of the cooperative agreement, once awarded. Although a consortium may meet this requirement in

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different ways, every lead agency of a consortium applying for Navigator funds must oversee the cooperative agreement funds and all related activities of its own staff and each subrecipient and/or contracted entity/individual(s) performing one or more of the Navigator duties. Further, we recognize that different members of a consortium may have expertise in different areas, such as outreach and education or facilitating selection of a QHP.

Therefore, it's permissible for one consortium member to focus on outreach and education, while another one focuses on QHP enrollments/re-enrollments, for example. However, all paid and unpaid staff with the lead agency that received the Notice of Award, including its subrecipients and/or contractors that comprise the consortium, who are conducting Navigator duties must have the ability to help any individual who presents themselves for assistance. Additionally, we expect that all paid and unpaid staff associated with a Navigator cooperative agreement that will be carrying out Navigator duties would be trained, in accordance with Navigator training standards and requirements, to perform all of the duties of a Navigator and would be equipped to assist consumers through outreach, education, and during the eligibility and enrollment processes.

Proposals

Q11. Can my group/organization apply to be a Navigator awardee in more than one FFE?

A11. Yes. An applicant may propose to serve populations in multiple FFEs through the submission of one application. However, the applicant must submit separate Budget Narratives and project (metric) goals for each FFE it proposes to serve (see *Section D. Application and Submission Information* of the Funding Opportunity for additional information). If an applicant is proposing to serve in more than one FFE, the applicant should be prepared to revise its project scope and budget upon award if it is not funded to serve in all proposed FFEs and/or at the full amount requested.

Regardless of how many FFEs an applicant proposes to serve, only one SF-424A needs to be submitted that must include the combined total funds requested for each line item category as well as the overall total cooperative agreement requested funds of all FFEs.

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When operating a multi-state cooperative agreement, the awardee will also be required to comply with all applicable state requirements in order to operate as a Navigator in each FFE state.

Q12. If awarded a Navigator grant, is an applicant required to serve the entire Exchange service area, even though it proposes to serve some of the counties or parishes (less than statewide), for example?

A12. No. However, if awarded, Navigators must assist any consumer seeking assistance, even if that consumer is not a member of the community(ies) or group(s) the applicant expects to target, as outlined in its funding proposal. There may be some instances where a Navigator does not have the immediate capacity to help an individual. In such cases, the Navigator should make every effort to provide assistance in a timely manner, but could also refer consumers seeking assistance to other resources, such as the toll-free Exchange call center or certified application counselors. CMS has also published guidance² on when Navigators may refer consumers to agents and brokers. When making these referrals, Navigators should refer consumers to general resources they can use to search for an agent or broker near where they live, such as Find Local Help on HealthCare.gov. Additionally, if a Navigator in an FFE is approached by a consumer who lives in a state with a State-based Exchange (SBE), or in a state with an FFE in which the Navigator has not been funded to serve, the Navigator should refer the consumer to an Exchange-approved assister in the consumer's state or, if available, a toll-free SBE consumer assistance number.

² See *Tips for Assisters on Working with Outside Organizations*, found here: <https://marketplace.cms.gov/technical-assistance-resources/assister-guidance-on-referrals-to-outside-organizations.pdf>

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Q13. Do Navigators have to maintain a physical presence in the FFE service area it is approved to serve?

A13. No. The HHS Notice of Benefit and Payment Parameters for 2019 Final Rule, effective 6/18/2018, eliminated the requirement for Navigators to maintain a physical presence in the Exchange service area it is approved to serve. However, applicants that demonstrate the ability to maintain these relationships and establish new relationships through a physical presence and other demonstrated ties to the local community(ies) in their proposed service area(s) may receive a higher score in this category than those who do not.

Q14. Is a Letter of Intent required?

A14. No.

Q15. How are underserved or vulnerable populations defined in this Funding Opportunity?

A15. As explained in 45 C.F.R. § 155.210(e)(8) and the preamble language discussing that provision, the primary criteria to be used in identifying underserved or vulnerable populations in the FFEs is whether the community is disproportionately without access to coverage or care, or is at a greater risk for poor health outcomes as a result of disparities in health insurance coverage, access to quality care, and other social, environmental, and economic factors shown to impact health.

For purposes of this Funding Opportunity, the Exchange will consider a population to be underserved or vulnerable using factors such as race or ethnicity, gender, education or income, disability, geographic location (e.g., rural or urban), or sexual orientation.

Examples of underserved or vulnerable populations may include, but are not limited to:

- Racial and ethnic minorities
- Rural communities
- Lesbian, gay, bi-sexual, transgender, queer, and other (LGBTQ+) individuals
- Low income or homeless individuals
- American Indians and Alaska Natives (AI/AN)

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- People with physical or intellectual disabilities or cognitive, hearing, speech, and/or vision impairments
- Pregnant women, new mothers, and women with children
- Individuals with mental health or substance-related disorders
- Individuals with HIV/AIDS
- Medicaid-eligible consumers who are not enrolled in coverage despite being eligible for Medicaid

Applicants may also propose additional underserved or vulnerable populations in their application for the FFE's approval.

Q16. How will the privacy and security of consumers' information be ensured?

A16. Applicants will be required to develop and include in their application a plan to protect the privacy and security of consumers' personally identifiable information (PII) that includes a discussion of the following:

- How the applicant intends to comply with FFE privacy and security standards and to use computers, including laptops or tablets, in accordance with those standards and 45 C.F.R. § 155.260. Privacy and security excerpts similar to those that were included in the Terms and Conditions received by Navigator awardees in 2020 as part of their Notice of Award under opportunity CA-NAV-19-001 can be found here: <https://www.cms.gov/files/document/2020-privacy-and-security-terms-and-conditions-508-ejs-5-4-2021.pdf>. It is expected that the standards for awardees under this Funding Opportunity will be similar to this example.
- Process for ensuring all persons performing Navigator functions and others who have access to sensitive information or PII related to the organization's Navigator functions complete all required training related to ensuring privacy and security of consumer PII, including training on compliance with FFE privacy and security standards;
- Process for ensuring that applicants for coverage available through an Exchange application (1) are informed of the functions and responsibilities of Navigators, including that Navigators are not acting as tax advisers or attorneys when providing assistance as Navigators and cannot provide tax or legal advice within

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their capacity as Navigators; (2) provide authorization prior to a Navigator's obtaining access to their personally identifiable information; and (3) may revoke at any time the authorization provided to the Navigator;

- How the applicant plans to conduct ongoing monitoring throughout the duration of the period of performance to ensure that persons performing Navigator functions and others who have access to sensitive information or PII related to the organization's Navigator functions are protecting consumer PII and other sensitive data in accordance with their training and the organization's operating policies. Applicant should also discuss mitigation plans for addressing PII breaches, should any occur.
- Applicant should also discuss the following:
 - Plans for training persons performing Navigator functions and others who have access to sensitive information or PII related to the organization's Navigator functions on how to receive, secure, and handle PII or other sensitive data, and
 - Process for evaluating qualifications of persons performing Navigator functions and others who have access to sensitive information or PII related to the organization's Navigator functions for receiving, securing, and handling PII or other sensitive data, including if background checks are conducted.

Funding

Q17. Can an applicant, especially a consortium, apply for the total funding allocation available in a given FFE state?

A17. Yes, however, the amount of funding being requested by an applicant for the first 12-month budget period should be proportional to the scope and breadth of the activities being proposed and the portion of the FFE state they plan to target.

For example, an applicant proposing to serve the entire state of Alaska could apply for a maximum \$1,000,000 of the appropriated funds for the first 12-month budget year. Alternatively, an applicant only proposing to serve part of the State of Alaska could

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apply for less than the total amount of appropriated funds in their FFE state, allowing multiple applicants (if available) to be selected for an award in the state of Alaska.

When making awards, HHS reserves the right to reduce the budget requested, or only partially fund proposed activities, based on its review of the expected activities, the reasonableness of the budget submitted by the applicant, and the availability of remaining funds for the FFE for which an award is made.

Q18. Is the same amount of funding available in each FFE service area?

A18. No. For the first 12-month budget period, each FFE service area (state) will receive an apportionment of the \$80,000,000 in total available funding as noted in the amounts listed in Table 1: *FFE State Funding Allocations* (see Section B2. *Award Amount*) of the Funding Opportunity, with a minimum of \$1,000,000 available per FFE state. For Years 2 and 3 of the period of performance, awardees will be able to revise their budgets, based on actual funding available to CMS and current program priorities, as part of their non-competing continuation applications, which will be required from all awardees for continued funding of their award during the 36-month period of performance.

Q19. How many awards will be made in each FFE state?

A19. Within each FFE state, the highest ranking, qualified applicant will be selected for an award, so long as there are no concerns identified during the review and selection process, as outlined in the Funding Opportunity, that would prevent selection of this entity.

If additional funds remain in the FFE state, they will be awarded to additional applicants in that state based on score, with a preference given to applicants whose proposals will increase the size and scope of the underserved or vulnerable population(s) to be reached by Navigators within the FFE.

Once there is no longer enough money in a given FFE state to fund at least 75% of the proposed budget of any of the remaining, unfunded qualified applicants, the remaining funds apportioned to the FFE state will be pooled with remaining funds from other FFE states for use during the second stage of the award selection process.

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Q20. When will award announcements be made?

A20. The anticipated award date is August 27, 2021.

Q21. Are there any prohibitions on the use of cooperative agreement funds?

A21. Yes, see sections *A4. Program Requirements* and *D6. Cost Restrictions* of the Funding Opportunity for a list of unallowable expenditures under this cooperative agreement.

Application Format and Submission

Q22. How do I apply to be a Navigator?

A22. Information about how to apply to become a Navigator in an FFE is included in the Funding Opportunity, which can be found on www.grants.gov by searching for CFDA number 93.332. Additional applicant resources and information about the Funding Opportunity can be found here: <http://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/assistance.html>.

Q23. Will there be any technical assistance provided to applicants?

A23. Yes. There will be two technical assistance sessions designed to provide technical assistance for potential applicants. These sessions will provide applicants with an overview of this project, relay budget guidance, and review the instructions for applying outlined in the Funding Opportunity. Applicants are encouraged to submit questions in advance of each session to Navigatorgrants@cms.hhs.gov.

- **Technical Assistance Session #1**

Wednesday, June 9th: 3:00-4:00pm Eastern Daylight Time

https://goto.webcasts.com/starthere.jsp?ei=1418490&tp_key=a3299cfc8e

- **Technical Assistance Session #2**

Monday, June 28th: 3:00-4:00pm Eastern Daylight Time

https://goto.webcasts.com/starthere.jsp?ei=1470197&tp_key=d748689859

Q24. What is the deadline to submit my application?

A24. Applications are due by 3:00pm EDT on July 6, 2021.

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Q25. How do I know if my application has been received?

A25. Proof of timely submission is automatically recorded and an electronic date/time stamp is generated within the system when the application is successfully received by Grants.gov. The Authorized Official Representative (AOR) who submitted the application will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) with the successful transmission of their application. This applicant with the AOR role will also receive the official date/time stamp and Grants.gov tracking number in an email serving as proof of their timely submission.

When CMS successfully retrieves the application, and acknowledges the download of submissions, Grants.gov will provide an electronic acknowledgment of receipt of the application to the email address of the applicant with the AOR role who submitted the application. Again, proof of timely submission shall be the official date and time that Grants.gov receives your application. Applications received after the established due date for the program will be considered late and will not be considered for funding by CMS.

Applicants using slow internet, such as dial-up connections, should be aware that transmission can take some time before your application is received. Again, Grants.gov will provide either an error or a successfully received transmission in the form of an email sent to the applicant with the AOR role attempting to submit the application. The Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application.

To be considered timely, applications must be received by the published deadline date. However, a general extension of a published application deadline that affects all State applicants or only those in a defined geographical area may be authorized by circumstances that affect the public at large, such as natural disasters (e.g., floods or hurricanes) or disruptions of electronic (e.g., application receipt services) or other services, such as a prolonged blackout. This statement does not apply to an individual entity having internet service problems. In order for there to be any consideration there must be an effect on the public at large.

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Grants.gov complies with Section 508 of the Rehabilitation Act of 1973. If an individual uses assistive technology and is unable to access any material on the site, including forms contained within an application package, the individual can e-mail the contact center at support@grants.gov for help, or call 1-800-518-4726.

Q26. Can I submit my application via email?

A26. No. Applications cannot be accepted through any email address. Full applications can only be accepted through <https://www.grants.gov>. Full applications cannot be received via paper mail, courier, or delivery service.

Q27. What if I experience technical challenges when submitting my application electronically?

A27. If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist CMS with tracking your issue and understanding background information on the issue. 24/7 support is available via the toll-free number 1-800-518-4726 and via email at support@grants.gov.

Q28. Is there a specific format that my application must be submitted in?

A28. Yes, see Section *D2. Content and Form of Application Submission* in the Funding Opportunity that provides detailed information regarding the required format to submit an application.

****Applications that are received late, fail to meet the eligibility requirements as detailed in the Funding Opportunity, do not adhere to page limitations and other formatting requirements, or do not include all required forms, may be deemed ineligible for review by the objective review committee.**

Q29. Are there any spacing or page limitations applicants should be aware of?

A29. Yes, please refer to and closely review Section *D2. Content and Form of Application Submission* of the Funding Opportunity.

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Q30. How should tables be formatted and do they count towards the page limit?

A30. Tables included within any portion of the application must have a font size of at least 12-point with an average of 14 characters per inch (CPI) and *may* be single spaced. All tables are counted towards the applicable page limits.

Q31. If an applicant is proposing to serve multiple FFE states, does the total allowable page limit for the budget narrative apply to each budget narrative submitted, or is it 15 pages total?

A31. Applicants proposing to serve as Navigators in multiple FFE states must submit a separate Budget Narrative, for each FFE state they are proposing to serve. The Budget Narrative may be single-spaced and the page limit for this document is 15 pages per FFE state. If an applicant, for example, is proposing to serve two FFE states, then it must submit two separate budget narratives, each not exceeding the 15 page limit.

Application Review and Selection

Q32. What will the application review process entail?

A32. Please see *Appendix V: Review and Selection Process* of the Funding Opportunity for a comprehensive description of the application review and selection process.

Q33. Is there a minimum number of applications that will be funded in each FFE?

A33. Yes. Within each FFE state, the highest ranking, qualified applicant will be selected for an award, so long as there are no concerns identified during the review and selection process, as outlined in the Funding Opportunity, that would prevent selection of this entity.

If there are no eligible, qualified applicants proposing to serve a given FFE, the cooperative agreement funds apportioned to that FFE will be pooled with any remaining funds from other FFE states, if applicable, for use during the second stage of the selection and award process as outlined in the Funding Opportunity.

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There is not a maximum number of awards that must be issued for each FFE. CMS anticipates the total number of awardees under this Funding Opportunity to be approximately 85-120.

Q34. Is an applicant required to have a DUNS and/or SAM number to apply?

A34. Yes. In order to apply, all applicants are required to have a valid Employer Identification Number (EIN), otherwise known as a Taxpayer Identification Number (TIN); a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number; and be registered in the System for Award Management (SAM) database (<https://sam.gov>) to be able to submit an application at Grants.gov. See Appendix II, *Application and Submission Information* of the Funding Opportunity for descriptions of EIN, DUNS, and SAM. ***Applicants should begin the process of obtaining an EIN/TIN as soon as possible to ensure this information is received in advance of application deadlines. The process to obtain an EIN typically takes up to 5 weeks.***

All applicants must have a D&B DUNS number. The DUNS number is a nine-digit number that uniquely identifies business entities. To obtain a DUNS number access the following website: <https://fedgov.dnb.com/webform/> or call 1-866-705-5711. This number is entered in block 8c (on Form SF-424, Application for Federal Assistance). The organization name and address entered in block 8a and 8e should be exactly as given for the DUNS number. ***Applicants should obtain this DUNS number as soon as possible to ensure all registration steps are completed in time.***

The applicant must register in the SAM database in order to be able to submit the application. Applicants can access <https://sam.gov> and complete the online registration. DUNS and EIN/TIN numbers are required to complete the registration process. To register one or more domestic entities and appoint an entity administrator, the applicant organization must send a notarized letter to SAM. Applicants should begin the SAM registration process as soon as possible after the Notice of Funding Opportunity is posted to ensure that it does not impair your ability to meet required submission deadlines. The process to register in SAM typically takes up to 2 weeks following receipt of the notarized letter (additional 5 weeks if an EIN must be established first).

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Failure to renew SAM registration prior to application submission will prevent an applicant from successfully applying via Grants.gov. Similarly, failure to maintain an active SAM registration during the application review process can prevent HHS from issuing your agency an award under this program.

Q35. How will applicants be notified that they've been selected for funding?

A35. Successful applicants will receive a Notice of Award (NoA) signed and dated by the CMS Grants Management Officer. The NoA is the document authorizing the cooperative agreement award and will be issued to the applicant as listed on the SF-424 and available to the organization through the online grants management system used by CMS and awardee organizations. Any communication between CMS and applicants prior to issuance of the NoA is not an authorization to begin performance of a project.

If unsuccessful, CMS notifies the applicant electronically to the email address as listed on its SF-424, within 30 days of the award date.

Federal Training and Certification Process

Q36. What will the training for FFE Navigators look like, and does everyone carrying out Navigator functions for a Navigator entity need to complete the training and certification process?

A36. All entities and individuals carrying out Navigator functions under cooperative agreements awarded through this Funding Opportunity must successfully complete an CMS-developed training program and pass an online exam to ensure appropriate understanding of relevant Exchange-related information and must be federally certified before carrying out any Navigator functions. After initial certification, all entities and individuals carrying out Navigator functions must obtain continuing education and be recertified on at least an annual basis. Navigator entities awarded cooperative agreement awards must also comply with any state-specific requirements, so long as these state-specific requirements do not prevent application of the provisions of title I of the ACA. Navigators will receive technical assistance from CMS to complete the required federal certification/recertification training in the Marketplace Learning Management System (MLMS).

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Q37. Does the training and certification process need to be completed prior to beginning outreach and education activities?

A37. Yes. Individual Navigators must not hold themselves out as Federally-certified Navigators, and must not carry out any Navigator functions (including outreach and education activities³), until they have been trained and are certified by CMS. Additionally, individuals may not hold themselves out as Navigators, or perform Navigator functions in an FFE, unless they are affiliated with a current CMS Navigator grantee and have a current certification that accurately reflects that affiliation (or are themselves certified as a current CMS Navigator grantee)⁴.

Some states may require additional training and certification activities and Navigators should check with their cooperative agreement main contacts or with their Department of Insurance in the FFE state(s) they are approved to serve.

Q38. Will CMS Navigator training be available for entities or individuals who are not awarded a cooperative agreement?

A38. Yes. CMS Navigator training will be accessible for any entity or individual who is interested in learning more about the Navigator program. However, CMS will only issue federal certificates to Navigators who received a valid federal Navigator ID from their organization that received a cooperative agreement under this Funding Opportunity and who successfully completed the required federal training.

³ See 45 CFR 155.215(b)(1). As noted in the preamble to the 2017 Payment Notice, “nothing in the Exchange regulations prohibits individuals who are not trained and certified as Exchange-approved Navigators... or certified application counselors from conducting outreach about Exchanges and providing application and enrollment assistance. These individuals may of course conduct outreach and education about Exchanges as long as they do not represent themselves as Exchange-approved Navigators, ... or certified application counselors.” 81 Fed. Reg. 12204, 12257 (Mar. 8, 2016).

⁴ See [CMS Enrollment Assister Bulletin: 2020-011](#) (August 28, 2020).

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Miscellaneous Questions

Q39. What is the difference between grants and cooperative agreements?

A39. Under the Federal Grant and Cooperative Agreement Act of 1977, 31 U.S.C. 6301, *et seq.*, and implementing regulations at 45 C.F.R. part 75, a cooperative agreement is an alternative assistance instrument to be used in lieu of a grant whenever substantial Federal involvement with the recipient during performance is anticipated. The difference between grants and cooperative agreements is the degree of Federal programmatic involvement rather than the type of administrative requirements imposed. Therefore, statutes, regulations, policies, and the information contained in the HHS Grants Policy Statement that are applicable to grants also apply to cooperative agreements, unless the award itself provides otherwise (see also *F4. Cooperative Agreement Terms and Conditions* of the Funding Opportunity).

Q40. How do I know whether I am proposing to assist consumers in an FFE?

A40. To view a list of States that will have an FFE in the 2022 benefit year see Funding Opportunity, *Appendix VI. List of States for which Cooperative Agreement Funding is Available through this Funding Opportunity*. Should a state transition its Exchange from an FFE to an SBE or State-based Exchange on the Federal Platform (SBE-FP) for benefit year 2022 or thereafter, this list will be updated accordingly.

Q41. What is the length of the period of performance for this Cooperative Agreement?

A41. The period of performance is 36 months from the date of the initial Notice of Award, funded in 12-month increments known as budget periods.

Q42. If selected for award, how does a Navigator awardee receive funding for the second and third 12-month budget periods of the 36-month period of performance?

A42. For Years 2 and 3, recipients will be able to revise their budgets, based on actual funding available from CMS, as part of their non-competing continuation applications,

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which will be required from all recipients prior to the end of each of the first two budget periods.

A non-competing continuation application is a financial assistance request (in the form of an application or performance/progress report) for a subsequent budget period within a previously approved period of performance for which a recipient does not have to compete with other applicants. Approval of this application will allow the awardee to continue implementing its project plan and to receive its next 12-month increment of funding. Non-competing continuation applications should be submitted no later than 90 days before the end of the current budget period (e.g., if the budget period will end on August 10, submit the non-competing continuation application by May 10). Exact requirements for the non-competing continuation application as well as due dates will be laid out in the terms and conditions that accompany each awardee's Notice of Award and guidance provided by the CMS Project Officer.

Due to their non-competitive nature, continuation applications will not be reviewed or scored by an objective review panel. Instead, all continuation applications will be reviewed by CMS staff.

In subsequent funding cycles, awardees could receive decreased funding, or their cooperative agreement could be terminated, due to poor performance. This Funding Opportunity provides detailed information on the cooperative agreement requirements related to these activities and instructions for application submission.

Q43. Can a Navigator awardee generate program income?

A43. No, under the Funding Opportunity it is not allowable to generate program income. This is because CMS regulations binding on all recipients of cooperative agreement funding under the Funding Opportunity prohibit Navigators from charging any applicant or enrollee, or requesting or receiving any form of remuneration from or on behalf of an individual applicant or enrollee, for application or other assistance related to Navigator duties.