

Summary of the Request for Proposals of the High Frequency Rail

1. Introduction

The High Frequency Rail (HFR) project is one of the largest infrastructure projects in Canada's history. This new sustainable train network will run on mostly dedicated tracks at higher frequencies, higher speeds and with greater reliability between Toronto and Québec City, making it faster and easier for people travelling in Canada's most populated areas — for work or play.

With over 1,000 km of new passenger rail service planned between major city-centres including Toronto, Ottawa, Montréal and Québec City, HFR will help build a better future for Canadians with new trains, and mostly electrified and dedicated passenger tracks, to serve Canada's growing population.

As with any large infrastructure project, the Government of Canada is advancing the project in phases. We are currently in the Procurement Phase. The Request for Proposals (RFP) document for the High Frequency Rail project is currently under development and planned for release in September 2023.

As part of its commitment grounded in the principles of meaningful consultation and in accordance with the principles of the United Nations Declaration on the Rights of Indigenous Peoples, Canada is providing the following summary of the RFP to Indigenous peoples. The intent of sharing this document is to inform, and gain insights and guidance related to Indigenous inclusion in the High Frequency Rail (HFR) project. The participation of Indigenous peoples is essential to the success of the HFR project. We are committed to fulfilling the duty to consult and, where appropriate, accommodate Indigenous peoples through meaningful dialogue with Indigenous peoples throughout the project. We will collaborate with Indigenous peoples to build strong relationships and create mutually beneficial socio-economic development opportunities. Input received will be used to help shape the RFP document released to three selected bidders. The summary of the RFP document is outlined in seven sections:

1. Introduction
2. The HFR Project and Canada's Duty to Consult and, where appropriate, accommodate Indigenous peoples
3. Request for Proposals Overview
4. Request for Proposal Deliverables Overview
5. The Request for Proposals and Indigenous peoples

6. Request for Proposal Technical Submission Requirements and Evaluation Criteria Related to Indigenous peoples
7. Conclusion

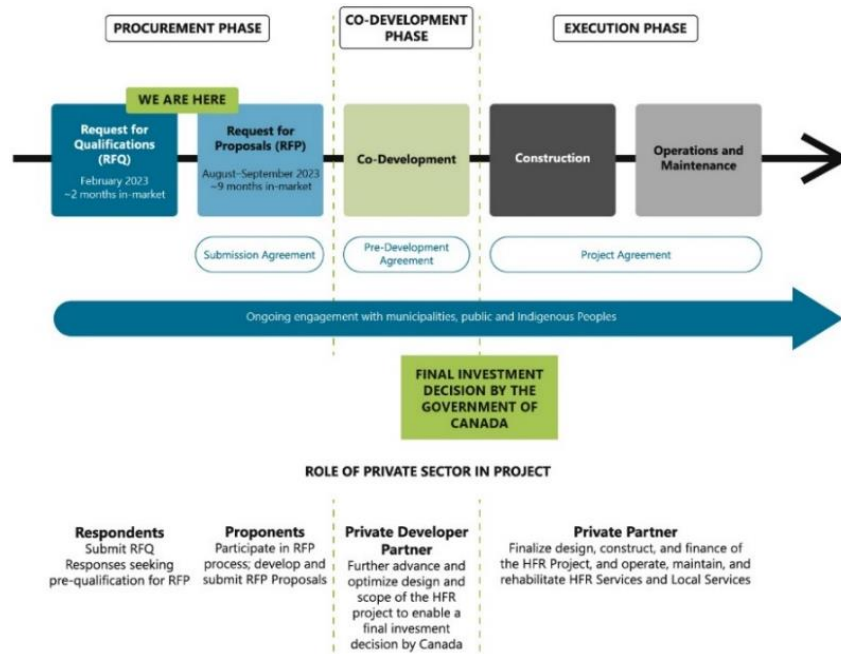
The HFR team welcomes your comments and feedback on the summary of the RFP document, with particular interest for input on Section 6 - *RFP Technical Submission Requirements and Evaluation Criteria Related to Indigenous peoples*. This section outlines both the activities that bidders could be asked to perform and the evaluation criteria that will be used to assess the bidders in relation to Indigenous engagement and participation in the HFR project.

2. The HFR Project and Canada's Duty to Consult and, where appropriate, accommodate Indigenous peoples

Section 35 of the *Constitution Act*, 1982, recognizes and affirms the existing Aboriginal and treaty rights of the Indigenous peoples of Canada. The Government of Canada has a legal duty to consult, and where appropriate to accommodate Indigenous peoples, when it contemplates measures that might adversely impact those rights. The Government of Canada has determined that the proposed HFR project could have the potential to adversely impact Indigenous peoples' established or potential Section 35 rights. As such, a new Crown corporation, VIA HFR is mandated to consult and engage with potentially impacted Indigenous communities throughout the proposed phases of the HFR project to understand potential adverse impacts and, where appropriate, work with Indigenous communities, organizations, and entities to address these impacts. VIA HFR will provide potentially impacted Indigenous communities, organizations and entities with the necessary information to understand any potential adverse impacts the proposed project may have on their rights and will establish a meaningful dialogue throughout the project's development and throughout federal regulatory and decision-making processes.

The Government of Canada has the responsibility to uphold the duty to consult and, where appropriate accommodate Indigenous peoples throughout the lifecycle of the HFR project. VIA HFR has started consultation with Indigenous peoples and will continue consulting over the next several years of project development, including to advance any Impact Assessment requirements. VIA HFR will be the Government of Canada entity responsible for the duty to consult and, where appropriate accommodate, and will be leading consultation and engagement processes.

VIA HFR will select a private sector partner that can demonstrate its ability and commitment to support VIA HFR and Indigenous communities, organizations and entities throughout the lifecycle of the project to achieve the objectives of Canada with respect to Indigenous reconciliation, as further described below.



On April 24 2023, the Request for Qualifications (RFQ) phase of procurement closed and the Government of Canada is now evaluating the submissions received from several private sector teams. The next step will follow in September when Canada will invite up to three qualified teams (or bidders) to submit their proposal during the Request for Proposals (RFP) phase. Through the RFP, Canada will select a private sector partner to collaborate with to optimize the HFR project prior to a final investment decision. The private sector partner will work with the HFR Team to design, finance, build, operate and maintain a high-quality, sustainable and efficient intercity passenger rail system between Québec and Toronto.

More than 40 potentially impacted Indigenous communities, organizations and entities have been identified within the proposed HFR corridor, across Ontario and Québec. Engagement is on-going and will continue throughout the project. Canada will consult and engage with Indigenous peoples—to incorporate, where appropriate, Indigenous Knowledge and perspectives into organizational operations and planning processes, and to develop HFR in a way that creates mutually beneficial socio-economic development opportunities. The HFR Team values the relationships we are building with our Indigenous partners and intends to continue our collaborations to provide opportunities for both Indigenous peoples and businesses.

The private sector partner selected will also be expected to prioritize and value strong and meaningful relationships with Indigenous peoples. This includes identifying opportunities that align and meet the spirit of the Government of Canada’s objective to achieve a minimum of 5% of the total value of contracts or employment held by Indigenous businesses or individuals.

3. Request for Proposals Overview

The RFP seeks to identify a solution that is commercially and technically feasible, provides socio-economic benefits to Indigenous peoples, meets or exceeds project outcomes, and includes a comprehensive plan for design, construction, operations, maintenance and revenue management. For more information on the HFR project and the procurement process, you can visit the HFR-TGF website—[HFR - High Frequency Rail - Home \(hfr-tgf.ca\)](http://hfr-tgf.ca)—where you will find key public procurement documents. Note translator put French URL

Up to three private sector partners, qualified during the RFQ phase, will be invited to participate in the RFP. Proposals submitted during the RFP will contain both technical and financial deliverables and will require bidders to develop and submit proposals with various components, including an overall business plan, a technical proposal, and plans for advancing the HFR project. Bidders will also need to provide other relevant plans such as an Indigenous participation plan, a co-development phase plan, an outline construction plan, an operations, maintenance and rehabilitation plan, and a financing plan.

The RFP phase will facilitate engagement between Canada and the bidders as they progress their RFP submissions. This will allow both parties to have regular discussions on the project and contractual matters, as well as the progress of the proposal.

The RFP will include processes for the bidders to submit enquiries and requests for information. This will ensure that bidders have access to the necessary information and resources they need to complete the proposal development process successfully.

Bidders will be provided high level information related to engagement with Indigenous communities, organizations and entities to help further facilitate the proposal development process.

The RFP process will also include commercially confidential meetings. These meetings will be held to facilitate discussions on expectations and approaches for the Co-Development Phase and Execution Phase of the HFR project. Additionally, progress meetings will be held to enable bidders to identify and seek resolution of concerns efficiently and without negatively impacting the progress of the Procurement Process.

The RFP will also feature technical and design development meetings, where each bidder will present the progress of their proposal development to Canada. These meetings will allow for the validation of bidders' understanding of Canada's ambitions for the project and the project outcomes. Bidders will be able to present the development of their proposals and how they intend to meet or exceed the project outcomes. These meetings will also allow for a dialogue on matters raised by bidders with respect to the development of their proposals, including their concept of operations and design submissions.

4. Request for Proposals Deliverables Overview

It is expected that the RFP will require bidders to develop and submit proposals which will include, but not be limited to, the following:

The bidder's proposed solution for the HFR project, including:

- An overall business plan for the different phases of the HFR project that sets out how the bidder's solution meets or exceeds the project outcomes for the Québec to Toronto Corridor;
- A technical proposal that may include a concept-level technical solution with an alignment;
- Demonstration of the commercial and technical feasibility of their proposal.

The bidder's plans for advancing the HFR project, including:

1. An Indigenous Participation Plan that outlines how the bidders will engage with Indigenous peoples throughout the HFR project. These are to include proposals for developing individual engagement plans that identify anticipated activities and associated participant funding and speak to the creation and sharing of socio-economic benefits commensurate with a project of this size and scope.
2. A Co-Development Phase Plan, including:
 - a) Delivery approach, detailed schedule and staffing plan, with a financial proposal and cost estimation management approach for the Co-Development Phase;
 - b) A structured approach in progressing initial HFR project requirements that achieve or exceed the project outcomes;
 - c) Design progression delivery plan and digital plan for design development throughout the term;
 - d) Land requirements, approach to obtaining required permits, licenses, approvals and agreements, and physical investigation requirements;
 - e) Approach to working with Host Railways; and
 - f) Approach to integrate design, construction, operations, maintenance and revenue management into the maximization of project outcomes.
3. An outline Construction Plan and an Operations, Maintenance and Rehabilitation Plan, including project management plan, Indigenous engagement plans, construction, sequencing, procurement/tendering and resourcing plans, testing and commissioning, delivery strategy in existing operational corridors, and preliminary schedule.

4. An Operations, Maintenance and Rehabilitation plan, including approach to:
 - a) Enhancing customer experience;
 - b) Concept of operations and management of performance and service quality;
 - c) Rail safety and rail regulatory approvals;
 - d) Transition of operations from VIA Rail, and integration of existing Local Services and HFR Services; and
 - e) Capital renewals including rolling stock, track and railway systems.
5. A Financing Plan, including:
 - a) Indicative capital and operating expenditure (CAPEX/OPEX);
 - b) Estimation and indication of revenue and ridership including a revenue model, ancillary revenue plans and revenue management plan;
 - c) Operating cost model; and
 - d) Debt competition plan, financial structure and financial model.

5. The HFR Request for Proposals and Indigenous peoples

In addition to the RFP process and the bidders deliverables identified above, the following outlines the expectations of the Government regarding engagement and meaningful consultation with the more than 40 potentially-impacted Indigenous communities, organizations and entities that have been identified within the proposed HFR corridor, across Ontario and Québec. It also provides broad concepts regarding the technical submission requirements and evaluation criteria that would benefit from Indigenous peoples' inputs and perspectives:

The HFR Project is subject to Impact Assessment requirements. Prior to the Impact Assessment Agency of Canada making any decision(s) under the Impact Assessment Act (IAA), the Government of Canada will need to be satisfied that consultation and, where appropriate, accommodation and mitigation measures are adequate up to that point.

The Impact Assessment Agency will be the lead for consultation undertaken in relation to the Impact Assessment. If a decision is made under the IAA that HFR project effects are in the public interest, additional consultation may be required by the Government of Canada in advance of the issuance of federal regulatory approvals from other Federal Authorities, such as approval(s) by Transport Canada, the Canadian Transportation Agency and Fisheries and Oceans Canada.

During the Co-Development Phase and in accordance with the provisions of the Pre-Development Agreement, the private sector partner will support and assist VIA HFR in fulfilling the duty to consult and, where appropriate, accommodate Indigenous communities. This will

include participation in consultations with Indigenous communities, organizations and entities, identifying potential adverse effects from the HFR project, and exploring with Indigenous communities, organizations and entities how these potential adverse effects could be mitigated or accommodated.

During the Execution Phase and in accordance with the provisions of the Project Agreement, the private sector partner will continue to support and assist VIA HFR and Indigenous communities, organizations and entities in the implementation of accommodation measures , where appropriate.

Socio-Economic Benefits and Indigenous Participation

Canada is confident that by fostering strong relationships with Indigenous peoples, the HFR project can effectively, and in a collaborative manner, create mutually beneficial socio-economic development opportunities and advance Canada's reconciliation objectives.

Pursuant to the RFP, Canada expects to require that the bidders outline in their proposals how the private sector partner would facilitate opportunities for Indigenous participation, including opportunities for:

- the exploration and creation of socio-economic benefits;
- considering Indigenous Knowledge, when provided, to inform the HFR project; and
- Indigenous communities, organizations and entities to participate in and inform all phases of the HFR project.

During the Co-Development Phase, the private sector partner is expected to:

- work with the Government of Canada/Contracting Authority and Indigenous communities, organizations and entities to develop opportunities for participation in and receiving benefits from the HFR project that the private sector partner will be responsible to implement;
- work with the Government of Canada/Contracting Authority and Indigenous communities, organizations and entities to enter into, where appropriate, agreements relating to Indigenous participation, benefits, accommodation measures to address concerns, and ongoing involvement throughout each of the HFR project phases; and
- involve Indigenous businesses and individuals in the planning and development of the HFR project, including entering into direct contracts with Indigenous businesses and individuals.

During the Execution Phase, the private sector partner is expected to:

- work with the Government of Canada/Contracting Authority to implement any agreements, including those entered into with Indigenous communities, organizations and entities during the Co-Development Phase;
- involve Indigenous businesses and individuals in the delivery of the HFR project, including entering into direct contracts with Indigenous businesses and individuals to deliver services associated with the construction and operation of the project.

6. RFP Technical Submission Requirements and Evaluation Criteria Related to Indigenous peoples

It is intended for this RFP to require the bidders to submit an Indigenous Participation Plan. As part of the development of the RFP, the HFR team is seeking the perspective of Indigenous peoples on the following concepts and general terms for the submission requirements and evaluation criteria.

Technical Requirement Concepts Related to Indigenous Peoples

Examples of submission requirements could include how the private sector partner would perform the following activities:

1. Indigenous consultation and engagement: bidders would be required to submit detailed Indigenous participation plans that outline how they will assist VIA HFR to engage with communities, organizations and entities, address concerns and incorporate feedback throughout the project lifecycle, including the Impact Assessment (including inclusion of Indigenous participation and input into the co-development, construction, operations, maintenance, rehabilitation, and financing plans outlined above).
2. Indigenous participation: bidders would be required to develop plans for Indigenous direct participation in the HFR project, such as through employment and training opportunities, and business partnerships. Canada will also endeavor to identify opportunities and assist participation in the HFR project by those communities and businesses whose traditional territories are on, or in proximity, to where the HFR project will take place, with a goal to advance economic reconciliation and meet the spirit of the Government of Canada's objective to achieve a minimum of 5% of the total value of contracts held by Indigenous businesses or individuals.
3. Indigenous Knowledge and Cultural Awareness: bidders could also be required to develop plans to incorporate Indigenous Knowledge, protect traditional Indigenous culture and values, and to demonstrate an understanding of the relationship of Indigenous peoples to their land and surrounding environment. There could also be a requirement to develop plans for the protection and preservation of Indigenous cultural sites and artifacts. It is expected that the development of plans would be done with the

potentially impacted Indigenous community, organization or entity who would also have a role in the execution and management of these plans.

Evaluation Criteria Concepts Related to Indigenous People

The RFP will include the evaluation criteria that will be used to assess the bidders related to Indigenous engagement and participation in the HFR project. Examples of evaluation criteria could be:

- **Indigenous Consultation and Engagement**
 - Quality and comprehensiveness of Indigenous engagement plans, including consultation processes.
 - Demonstrated commitment to meaningful consultation and collaboration with Indigenous communities, organizations and entities throughout the project life.
 - Evidence of the commitment to incorporate Indigenous Knowledge and values into the project design and planning process.
 - Identification of opportunities for Indigenous participation in project planning, design, construction and operation.
- **Socio-Economic Benefits and Indigenous Inclusion**
 - Quality and comprehensiveness of Indigenous participation plans, including identification of opportunities for Indigenous businesses and workers in the project supply chain.
 - Evidence of commitment to the creation and sharing of socio-economic benefits commensurate with the size and scope of the project.
 - Demonstrated success in working with Indigenous communities, organizations and entities on past projects and building relationships with Indigenous partners.
 - Quality of the proposed solution for the identification of training and capacity-building opportunities for Indigenous peoples and businesses.
 - Quality of the plan to achieve the Government's objective to achieve a minimum of 5% of the total value of contracts held by Indigenous businesses or individuals.
 - Demonstration of how the effectiveness of engagement plans will be measured and how these plans would change to meet a community's needs.
- **Indigenous Knowledge and Cultural Awareness**
 - Demonstration of a meaningful process to collaborate with Indigenous peoples for the purposes of ongoing learning about Indigenous cultures, history and values, and

- the importance of preserving and incorporating Indigenous Knowledge and perspectives into the project.
- Evidence of meaningful engagement with Indigenous communities to ensure that their cultural heritage is respected and protected throughout the project life.
 - Identification of opportunities to incorporate Indigenous art, language, and other cultural elements into the project design and construction.
- **Value Added Benefits to Indigenous Communities**
 - Bidders will be encouraged to develop a value-added proposal outlining details on how they will ‘give back’ to Indigenous peoples and their communities through direct community supports in addition to socio-economic benefits related to the project.

In addition to seeking your perspective and guidance on the above-mentioned examples of submission requirements and evaluation criteria, the HFR team would be grateful to obtain your views on the following questions:

1. Do the draft evaluation criteria shared with you include elements that are important for your community?
2. What are the most important elements to your community?
3. Is anything important missing from the draft evaluation criteria?
4. What would be an indicator(s) of a good Indigenous Participation Plan submitted by bidders during the RFP stage?

7. Conclusion

Thank you for reading this summary of the RFP, which outlines some of the key elements and information required by bidders to submit as part of their proposals, particularly in terms of how they propose to work with Indigenous peoples throughout the planning and development of the HFR project.

We welcome your comments by July 10th. You can:

1. Meet with the HFR team, either virtually or in-person, to discuss the RFP Summary, provide feedback and to answer any questions you may have.
2. Participate in an on-line webinar planned for June 5th (English) and June 6th (French) and hosted by the HFR team. This will be an opportunity to learn more about the procurement process, review the RFP Summary and participate in a Questions and Answers session. We welcome you and any additional delegates to attend.

[Webinar Registration - Zoom](#)

3. Provide your comments on the RFP Summary anytime before July 10th. This deadline allows your feedback to inform the final RFP document.

To encourage your involvement, funding is available from Transport Canada's Community Participation Funding Program. Your community/ organization is eligible for a grant of up to \$10,000 to support participation in these activities. We are happy to work with you to apply for this funding.

We look forward to your continued participation in the HFR project. If you have any questions or comments about any of the above, or wish to take advantage of the available funding, please feel free to reach out directly to us or the newest member of our HFR Indigenous peoples engagement team, Wendy Palmquist (wendy.palmquist@hfr-tgf.ca) at any time at 438-699-2796.