

October 2023

# WHAT WE HEARD & WHAT WE'RE DOING REPORT

Feedback from Indigenous Communities and  
Organizations on the Request for Proposals  
Summary and the High Frequency Rail Project  
Procurement Process

**High Frequency Rail**  
hfr-tgf



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# 01 Key Takeaways

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*VIA HFR – VIA TGF Inc. (VIA HFR) thanks all of those who have shared their time, views and expertise to support the development of the RFP for the High Frequency Rail project.*

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The High Frequency Rail (HFR) project is one of the largest infrastructure projects in Canada's history, and the participation of Indigenous peoples is essential to its success. As part of its commitment to meaningful consultation and collaboration, Canada provided a summary of the Request for Proposals (RFP) to the more than 40 potentially impacted Indigenous communities and organizations engaged in the HFR project, across Ontario and Québec.

This **What We Heard & What We're Doing Report** is a comprehensive summary of the feedback from Indigenous communities and organizations on the RFP Summary and the HFR project procurement process. The report also includes an indication of how that feedback was considered by VIA HFR and Transport Canada in finalizing the RFP and design of the overall procurement process, including the following significant commitments:

- The Government of Canada, with support from VIA HFR, has incorporated new requirements or clarifying language in the RFP in direct response to the feedback through this Indigenous engagement process during the RFP development phase, including in areas related to Indigenous knowledge and cultural awareness.
- The VIA HFR project team is committed to building strong and meaningful partnerships with Indigenous communities, organizations and businesses and will continue to consult and collaborate with Indigenous peoples to remain consistent with the project's [Principles for Engagement of Indigenous Peoples](#).

- VIA HFR and Canada continue to explore new and innovative ways of incorporating Indigenous peoples into the procurement phase, including opportunities for direct communication with bidders and a forum or process to involve Indigenous peoples and perspectives during the evaluation phase.
- Transport Canada has made grant funding available through the Community Participation Funding Program - High Frequency Rail (CPFP-HFR) to support and encourage the participation of Indigenous peoples in discussions related to the development of the HFR project in the Toronto to Québec City corridor.
- VIA HFR will develop and execute collaboration agreements that confirm consultation and collaboration processes, including the provision of additional, predictable sources of funding, to support meaningful participation in the planning and co-development phases of the HFR project.

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***The HFR Team is committed to meaningful dialogue and consultation founded on the key principles of fairness and transparency. We will include Indigenous Peoples at every step in the project in an open and flexible way.***

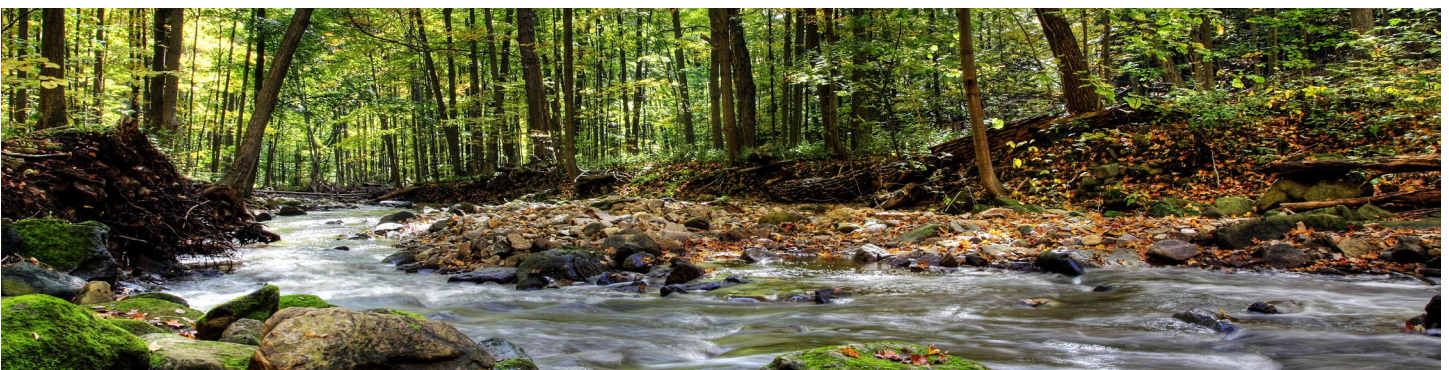
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# 02 Introduction

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.

With over 1,000 km of new passenger rail service planned between major city-centres including Toronto, Peterborough, Ottawa, Montréal, Trois-Rivières, and Québec City, the HFR project 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. Right now, the project is in the Procurement Phase; the Request for Proposals (RFP) is being finalized and planned for release in the fall of 2023.

The participation of Indigenous peoples is essential to the success of the HFR project. Canada is committed to fulfilling its duty to consult and, where appropriate, accommodate Indigenous peoples through meaningful dialogue throughout the project. VIA HFR – VIA TGF Inc. (VIA HFR), Canada's newest Crown corporation, will collaborate with Indigenous peoples to build strong and meaningful partnerships and create mutually beneficial socio-economic development opportunities.



More than 40 Indigenous communities and organizations have been identified within the proposed HFR project corridor, across Ontario and Québec. Engagement and consultation activities are on-going and will continue throughout the project. Canada will continue to:

- Consult and collaborate with Indigenous communities and organizations on a nation-to-nation basis to establish and maintain partnerships and positive working relationships,
- Consult, and where appropriate, accommodate, potentially impacted Indigenous communities and organizations to avoid, minimize or compensate adverse impacts on the rights and interests of Indigenous peoples,
- Create mutually beneficial socio-economic development opportunities throughout the project's life-cycle to support economic reconciliation, and
- Align project activities with principles of the [United Nations Declaration on the Rights of Indigenous Peoples](#).

As part of its commitment to meaningful consultation and collaboration, Canada provided a [Summary of the Request for Proposals of the High Frequency Rail \(RFP Summary\)](#) to potentially impacted Indigenous communities and organizations engaged in the project. The sharing of this document was to inform Indigenous communities and organizations of the approach planned for the RFP and to seek insights and guidance regarding their inclusion in the RFP process.

This **What We Heard & What We're Doing Report** is a summary of the feedback from Indigenous communities and organizations in response to the RFP Summary. Perspectives and insights provided were carefully considered and used to shape the final RFP, which will be released to the [three groups able to submit a proposal for the HFR project \(bidders\)](#).

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***Stay Involved! To schedule a meeting with the HFR project's Indigenous Relations team, please contact Gabriel Lacombe directly at [gabriel.lacombe@hfr-tgf.ca](mailto:gabriel.lacombe@hfr-tgf.ca).***

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# 03

## Your Voice Matters

On May 10, 2023, VIA HFR provided the RFP Summary to Indigenous communities and organizations currently engaged with the HFR project. The VIA HFR project team invited participation in the RFP Summary review process through in-person or virtual meetings or by providing written feedback which was requested by July 10, 2023. Some communities and organizations requested and were provided an extension for comments, citing a need for additional time for internal review and approval of feedback.

VIA HFR also invited Indigenous communities and organizations to attend an online Webinar in English on June 5, and in French on June 6, where the VIA HFR project team reviewed the procurement process, provided an overview of the RFP Summary document, and answered questions. A summary of those webinars, including the discussion period, can be found online at [Summary of the High Frequency Rail Request for Proposals - High Frequency Rail](#).

Between May and August 2023, VIA HFR:

- Publicly posted [RFP Information Session Presentation Materials](#) and [RFP Information Session Summary](#)
- Met with 16 Indigenous communities or organizations to discuss the HFR project and RFP Summary
- Received responses from 15 Indigenous communities and organizations who provided over 70 comments on the RFP Summary
- Distributed a draft of the *What We Heard & What We're Doing Report* to Indigenous communities and organizations for validation

To encourage participation in the Webinar and meetings, review of documents and the submission of feedback, Indigenous communities and organizations were advised that funding was available from Transport Canada's Community Participation Funding Program.

# 04

## What We Heard

Feedback on the RFP Summary was collected from Indigenous communities and organizations to identify areas of interest or concern and to understand emerging key themes that need further thought and clarification in the RFP.

The following is an overview of the feedback received and how it will be considered and addressed by VIA HFR and Transport Canada.

*The following summarizes feedback collected through engagement with Indigenous communities and organizations on the RFP Summary. The opinions and views expressed in this report are solely those of the commentors and should not be interpreted as those held by VIA HFR or Transport Canada or as a guide to the final RFP.*

### What We Heard



### Meaningful Consultation and Collaboration

Feedback highlighted key considerations to ensure meaningful consultation and collaboration with Indigenous peoples throughout the HFR project. Many submissions emphasized the need for Canada and VIA HFR to respect Aboriginal and treaty rights, and to fulfill its constitutional duty to consult and, where appropriate, accommodate Indigenous peoples with the aim of securing the free, prior, and informed consent of potentially impacted Indigenous communities and organizations.

We heard that to ensure success and respect for the HFR project, it is important to recognize the interests of Indigenous peoples and for Indigenous concerns to be addressed. We heard that to foster successful partnerships, Indigenous communities and organizations must be given sufficient time and funds to participate in consultation activities, and that full transparency of project decisions is desired. Close collaboration with Indigenous peoples in the planning and decision-making processes is necessary throughout the lifecycle of the project, including its structure, ownership, procurement targets, field studies, alternative means assessment and future operation.



## What We're Doing



VIA HFR is the Crown proponent of the HFR project, responsible for fulfilling the duty to consult and, where appropriate, accommodating Indigenous peoples. We know this requires ongoing engagement and dialogue throughout the project. Meaningful consultation and collaboration with Indigenous peoples are essential to the success of the HFR project and in the coming months, VIA HFR will continue to engage potentially impacted Indigenous communities and organizations to:

- Share information about key milestones throughout the HFR project,
- Meet with Indigenous communities and organizations on a nation-to-nation basis to discuss the project and identify potential impacts to Indigenous rights and interests,
- Establish connections and working partnerships with Indigenous communities, organizations, and businesses to identify opportunities for socio-economic participation and other community benefits that can accompany the HFR project, and
- Invite Indigenous communities and organizations to discuss the development of early engagement plans and subsequent collaboration agreements that will support meaningful participation in the HFR project, including the provision of predictable and stable funding.

The VIA HFR project team values the strong and meaningful partnerships it is building with its Indigenous partners and will continue to consult and collaborate with Indigenous communities, organizations and businesses consistent with the project's [Principles for Engagement of Indigenous Peoples - High Frequency Rail \(hfr-tgf.ca\)](https://www.hfr-tgf.ca/principles-for-engagement-of-indigenous-peoples).

## What We Heard



## Participation in the Procurement Process

Many comments received from Indigenous communities or organizations were related to the procurement process and the opportunities available for Indigenous input and participation. Several communities requested to review the draft RFP before it is final and to access the proposals from bidders on all aspects and areas of the project that are of interest to Indigenous peoples. Some Indigenous communities and organizations wanted opportunities to have direct communication with the bidders and to participate in the evaluation of the proposals. The establishment of an Independent Indigenous Review Panel was suggested as one way of increasing Indigenous involvement in the procurement and evaluation phase.

Comments related to the assessment methods, recommended that the RFP evaluation process incorporate metrics that measure the extent of interactions with Indigenous peoples during the procurement phase. This would include: the frequency of consultation and collaboration meetings with Indigenous communities and organizations; the number and specific concerns received from Indigenous peoples; and a measure of the satisfaction levels of these communities and organizations. We also heard that to ensure accountability and demonstrate genuine commitment, bidders should submit concrete examples and testimonials highlighting positive working relationships between bidders and Indigenous communities and organizations.



## What We're Doing



VIA HFR and Transport Canada have made changes to the RFP that reflect Canada's goal to select a private partner who prioritizes and values meaningful relationships with Indigenous peoples. Although the final RFP and associated evaluation documents must remain confidential, early engagement with Indigenous peoples provided an opportunity for the RFP to reflect the priorities and interests of Indigenous peoples.

VIA HFR and Canada are intent on exploring new and innovative ways to involve Indigenous peoples in the procurement phase, while protecting the integrity and objectivity of the process. These include opportunities for potentially impacted Indigenous communities and organizations to communicate their interests, priorities and needs directly to the three bidders, and to contribute to a forum or process during the evaluation phase.



## What We Heard



### Initial Indigenous Participation Plans

Indigenous communities and organizations had several questions and comments about the expectations and processes for bidders to develop their initial Indigenous Participation Plans (IPPs). In these initial plans, the bidders will propose how they would support VIA HFR in its direct consultation and collaboration with Indigenous communities and organizations. The initial IPPs are also an opportunity for bidders to propose how they would further the inclusion of Indigenous peoples in the HFR project.

It was emphasized that the language in the RFP be very clear that these plans should be regarded as initial proposals which are flexible and adaptable. The initial IPPs should foster an approach that evolves collaboratively with Indigenous peoples throughout the Co-Development phase of the project and through to implementation. Feedback further underscores that Indigenous peoples are the only groups that can identify the interests and needs of their communities and organizations in relation to the potential impacts of the HFR project.

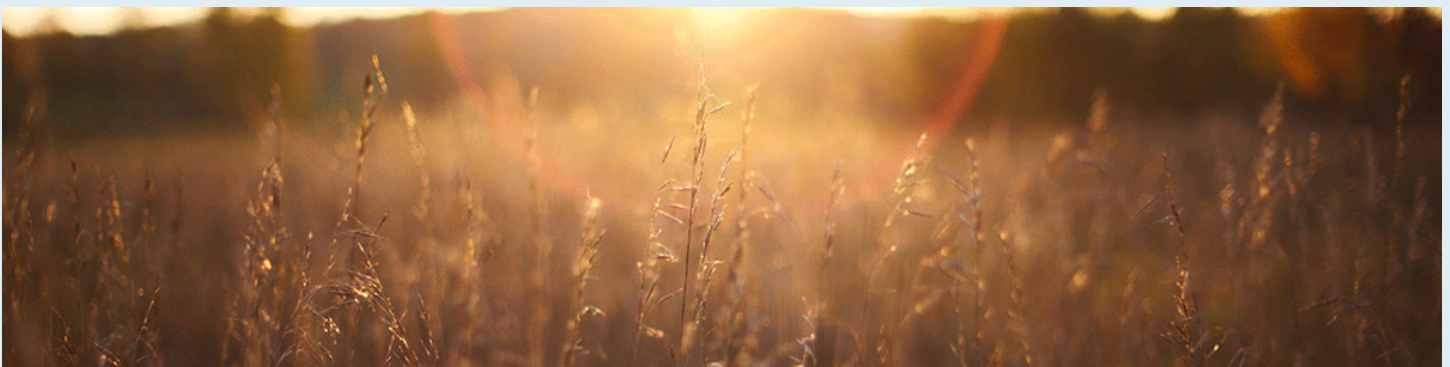


## What We're Doing



VIA HFR and Transport Canada have provided clear language in the RFP indicating that the initial IPPs are preliminary proposals that will evolve over time and require the direct participation and contribution of potentially impacted Indigenous communities and organizations during the project's Co-Development phase.

VIA HFR confirms that the initial IPPs will not replace individual Indigenous engagement and consultation plans or agreements that VIA HFR or the bidder, may develop with Indigenous communities or organizations.



## What We Heard



### Indigenous Knowledge

Comments received have emphasized that requirements in the RFP related to Indigenous knowledge be more inclusive to include expertise, perspectives, and best practices. Feedback included suggestions that Indigenous knowledge is a broad concept and should include themes such as ceremonies and cultural practices, traditional and sustainability practices, as well as mitigation of environmental, social, and economic impacts. The feedback strongly advocates for Indigenous peoples to be actively involved in determining the definition of “Indigenous knowledge” early in the planning process and its integration in all phases of the HFR project, including during the Impact Assessment phase.

Interest and concerns were raised around how Indigenous knowledge will be included during the assessment of impacts and associated mitigation measures. Indigenous communities and organizations also indicated the desire for the HFR project to have a comprehensive and inclusive representation of Indigenous perspectives and practices throughout the lifecycle of the project.



## What We're Doing



The knowledge and guidance of Indigenous communities and organizations will be critical to informing project plans and development. The VIA HFR project team is seeking and welcomes guidance from Indigenous communities and organizations to ensure any Indigenous knowledge that is shared is treated with respect and according to community protocols.

VIA HFR confirms that Indigenous knowledge will be incorporated and considered throughout the lifecycle of the HFR project. The RFP will include a reference to the federal [Indigenous Knowledge Policy Framework for Project Reviews and Regulatory Decisions](#). This will help the bidders to understand Indigenous knowledge so that they may incorporate it into the project design and when considering potential impacts.



## What We Heard



## Indigenous Cultural Awareness

Indigenous feedback strongly reaffirms the importance of Indigenous cultural awareness, sensitivity, and respect in all aspects of the HFR project, including through all planning, construction, and operation phases. For example, Indigenous ceremony or cultural practices should be identified as technical requirements, and efforts should be made to increase passengers' awareness of the Indigenous communities and territory they are travelling through on their journeys.

Indigenous communities and organizations also expressed concern over the protection and preservation of cultural sites and artifacts and expect comprehensive plans to safeguard cultural and natural heritage, and early engagement with archaeologists. Comments also encouraged the inclusion of Indigenous art, language and other cultural elements in the design, construction, and operation of the HFR project.





## What We're Doing



In response to significant interest in how Indigenous ceremony and cultural protocols will be respected by bidders, VIA HFR confirms that the selected private partner will be required to commit to respecting Indigenous ceremonial protocols, expanding their understanding of Indigenous culture and knowledge, and to pursuing opportunities for Indigenous Cultural Awareness Training for their employees.

Furthermore, given concerns about how Indigenous cultural sites will be protected if discovered, VIA HFR and Transport Canada have clarified that bidders must commit to the protection and preservation of cultural sites and artifacts.



## What We Heard



### Economic Development Opportunities

The feedback from Indigenous peoples indicates significant interest in the economic development opportunities offered by the HFR project. We heard there is a lack of clarity regarding the rationale behind the minimum 5% employment and contracting opportunities for Indigenous businesses and individuals. Moreover, we heard that there needs to be strong metrics or methodologies used to ensure the minimum 5% target is met.

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***In 2021, the Government of Canada announced it was implementing a mandatory requirement for federal departments and agencies to ensure a minimum of 5% of the total value of contracts are held by Indigenous businesses. These changes were made as the result of engagement and advice received by the Indigenous Reference Group, an advisory body that was established to ensure input from Indigenous experts in the field. The advisory body included representatives from the Nation Capital Corporations Association (NACCA), the Canadian Council for Aboriginal Business (CCAB), the Council for the Advancement of Native Development Officers (Cando), the Assembly of First Nations (AFN), the National Indigenous Economic Development Board (NIEDB) and the Métis Nation of Alberta (MNA). Bilateral engagement has also taken place with Inuit Tapiriit Kanatami (ITK) and the Native Women’s Association of Canada (NWAC) ([News Release](#))***

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The feedback emphasizes the need to prioritize Indigenous participation considering economic opportunities for all Indigenous individuals and businesses, irrespective of their community proximity to the corridor, Indigenous status, or Indigenous ownership percentage e.g., 51% Indigenous owned is often a metric used by governments and proponents to define an “Indigenous business”.

It was noted that there was no mention of potential revenue sharing opportunities for Indigenous peoples, including an equity or ownership share, in the HFR project. These were aspects considered by some Indigenous communities and organizations as a crucial aspect of fostering meaningful economic participation and long-term financial sustainability and fair benefit distribution. Indigenous communities and organizations expect educational opportunities designed to increase the number of trained, skilled Indigenous employees which would be hired into a range of technical and planning positions throughout the lifecycle of the project. These employment opportunities are seen as integral to ensuring economic empowerment and long-term economic benefits for Indigenous individuals and communities involved in the HFR project. To address these concerns and foster sustainable economic development, the feedback requested further clarification and proactive measures during the RFP phase that actively engage and empower Indigenous peoples in the project's economic aspects.

## What We're Doing



The Government of Canada is committed to renewing and strengthening its economic relationship with Indigenous entrepreneurs and communities by providing increased economic opportunities to Indigenous businesses through the federal procurement process. This includes the implementation of the new mandatory requirement for federal departments and agencies to ensure a minimum of 5 % of the total value of contracts or employment are held by Indigenous businesses or individuals on the HFR project. Bidders will be required to identify opportunities to meet or exceed the mandatory requirement on the HFR project. Canada places great value on selecting a private partner who prioritizes and values meaningful relationships with Indigenous peoples and is seeking proposals that encourage collaboration opportunities with Indigenous peoples, businesses, communities, and organizations.

Bidders are also encouraged to explore and propose innovative benefits and opportunities for contributions to Indigenous communities and organizations for non-project related community benefits.

VIA HFR and Transport Canada value the feedback from Indigenous communities and organizations on potential options for economic participation in the HFR project. We heard that there is no one-size fits all solution. As the proponent for this project, VIA HFR is committed to exploring—with Indigenous communities, organizations and businesses—viable options for Indigenous economic participation throughout the project-lifecycle. We will continue to solicit feedback from Indigenous peoples and expect Indigenous economic participation to be further defined during the co-development phase.

## What We Heard



## Impact Assessment Process and Cumulative Impacts

We heard that applying the principles of sustainable development throughout the HFR project is a priority for many Indigenous communities and organizations. In addition, adopting a collaborative approach to any Impact Assessment process is important to building trust and transparency. Potentially impacted Indigenous communities and organizations have noted a desire to work with the VIA HFR project team to develop the scope and terms of reference for this assessment and to utilize Indigenous representatives that are chosen by Indigenous governments.

Furthermore, there is a call to carefully balance both positive and adverse impacts of the HFR project and to thoughtfully consider cumulative impacts. Specifically, comments indicate that Indigenous perspectives and knowledge should be incorporated into the HFR project design and considered during any Impact Assessment process to comprehensively understand the potential impacts on the environment, culture, and communities. Indigenous communities also expect that incorporation of avoidance, mitigation and compensation measures be implemented to accommodate any identified negative impacts on Indigenous communities.



## What We're Doing



Canada and VIA HFR are committed to consult and, where appropriate, accommodate potentially impacted Indigenous communities and organizations to avoid, minimize or compensate adverse impacts on the rights and interests of Indigenous peoples. This highlights the importance of ensuring direct and meaningful representation of Indigenous communities and organizations early in the process. Early engagement with Indigenous peoples is underway and consultation and collaboration will continue throughout the various phases of the project. This will include all regulatory reviews required, like the federal Impact Assessment under the Impact Assessment Act and the Canadian Transportation Agency's review required under the Canadian Transportation Act.

The HFR project is currently in the pre-planning phase of the Impact Assessment process, which will be followed by five more phases: Planning, Impact Statement, Impact Assessment, Decision-Making and Post-Decision. VIA HFR recognizes the significance of identifying potential social, environmental, or economic impacts early in the project to make well-informed decisions that strike a balance between ecological consequences and socio-economic benefits. VIA HFR is committed to integrating Indigenous insights early in the project to ensure that the Impact Assessment process is informed by input from potentially impacted Indigenous peoples.

## What We Heard



## Funding Mechanism

Feedback from Indigenous communities and organizations highlighted the critical importance of appropriate funding mechanisms to enable active involvement in the HFR project. Accessible funding mechanisms help Indigenous communities and organizations have consultation meetings with their leadership teams and community members, review documents concerning the HFR project and hold meetings with the VIA HFR project team.

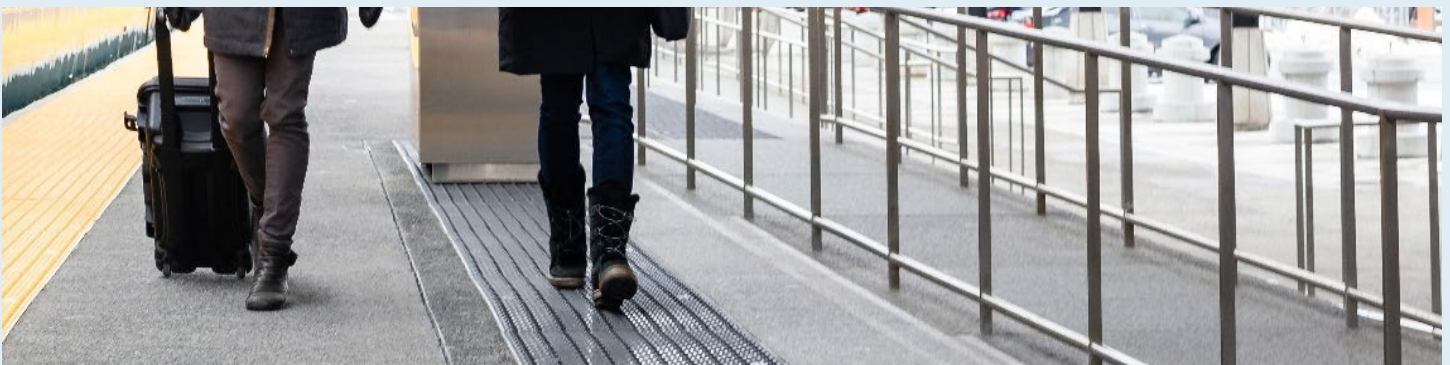


## What We're Doing



To support and encourage the participation of Indigenous peoples in discussions related to the development of the HFR project in the Toronto to Québec City corridor, Transport Canada has made grant funding available through the Community Participation Funding Program - High Frequency Rail (CPFP-HFR). Eligible recipients may obtain funding after receiving an invitation from Transport Canada or VIA HFR to take part in project-related engagement and consultation activities. Please contact [tc.cfpf-pfpc.tc@tc.gc.ca](mailto:tc.cfpf-pfpc.tc@tc.gc.ca) for more information about funding available to support the involvement of Indigenous peoples in the HFR project.

Furthermore, VIA HFR will develop and execute collaboration agreements that confirm consultation and collaboration processes, including the provision of additional, predictable sources of funding, to support meaningful participation in the planning and co-development phases of the HFR project.





# 05 What's Next

The Government of Canada announced on July 20, 2023, that it had qualified [three groups to submit a proposal for the HFR project bidders](#) and will invite them to respond to the RFP for the HFR project.

The VIA HFR project team is committed to continued consultation and collaboration with Indigenous peoples throughout every phase of this once-in-a-generation project. You can share your views on the project, ask questions or sign up for project updates at the [HFR and You - High Frequency Rail \(hfr-tgf.ca\)](#) site. For further information about the HFR project and opportunities to meet with the VIA HFR project's Indigenous Relations team, please contact Gabriel Lacombe directly at [gabriel.lacombe@hfr-tgf.ca](mailto:gabriel.lacombe@hfr-tgf.ca).

VIA HFR and the Government of Canada would like to thank all of those who have shared their time, views, and expertise to support the development of the RFP for the High Frequency Rail project.

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## ***Learn More***

***The VIA HFR project team is committed to continued consultation and collaboration with Indigenous peoples throughout every phase of this project. To share your views, ask questions or get the latest updates on the HFR project, visit:***

***[www.hfr-tgf.ca](http://www.hfr-tgf.ca)***  
***[info@hfr-tgf.ca](mailto:info@hfr-tgf.ca)***

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# 06

## Related Links

[About the Project \(hfr-tgf.ca\)](#)

[What's Happening - High Frequency Rail \(hfr-tgf.ca\)](#)

[Project Delivery - High Frequency Rail \(hfr-tgf.ca\)](#)

[Request for Proposals Bidding Teams Announced](#)

[Principles for Engagement of Indigenous Peoples - High Frequency Rail \(hfr-tgf.ca\)](#)

[Government of Canada announces federal-wide measures to increase opportunities for Indigenous businesses](#)

[Mandatory minimum 5% Indigenous procurement target](#)

[Impact Assessment - High Frequency Rail \(hfr-tgf.ca\)](#)

[Field Studies - High Frequency Rail \(hfr-tgf.ca\)](#)