45.301 Use and rental.

This subpart prescribes policies and procedures for contractor use and rental of Government property.

- (a) Government property *shall* normally be provided on a rent-free basis in performance of the contract under which it is accountable or otherwise authorized.
- (b) Rental charges, to the extent authorized do not apply to Government property that is left in place or installed on contractor-owned property for mobilization or future Government production purposes; however, rental charges *shall* apply to that portion of property or its capacity used for non-government commercial purposes or otherwise authorized for use.
- (c) The *contracting officer* cognizant of the Government property *may* authorize the rent-free use of property in the possession of nonprofit organizations when used for research, development, or educational work and-
- (1) The use of the property is in the national interest;
- (2) The property will not be used for the direct benefit of a profit-making organization; and
- (3) The Government receives some direct benefit, such as rights to use the results of the work without charge, from its use.
- (d) In exchange for consideration as determined by the cognizant *contracting officer*(s), the contractor *may* use Government property under fixed-price contracts other than the contract to which it is accountable. When, after contract award, a contractor requests the use of Government property, the *contracting officer shall* obtain a fair rental or other adequate consideration if use is authorized.
- (e) The cognizant *contracting officer*(s) *may* authorize the use of Government property on a rent-free basis on a cost type Government contract other than the contract to which it is accountable.
- (f) In exchange for consideration as determined by the cognizant *contracting officer*, the contractor *may* use Government property for commercial use. Prior approval of the *Head of the Contracting Activity* is required where non-Government use is expected to exceed 25 percent of the total use of Government and commercial work performed.

Parent topic: Subpart 45.3 - Authorizing the Use and Rental of Government Property