दिनांक 15 जनवरी 2015 को पूर्वाह्न 11.30 बजे राज्य स्वास्थ्य समिति, बिहार के सभागार में "For Supply/Installation/Commissioning (turnkey basis) of Modular Operation Theatres in 6 Medical Colleges & Hospitals and 36 District Hospitals in Bihar" हेत् निकाली गई निविदा के Technical Committee की बैठक की कार्यवाही।

आज दिनांक 15 जनवरी 2015 को पूर्वाह्न 1.30 बजे राज्य स्वास्थ्य समिति, बिहार के सभागार में Modular Operation Theatre विषयक निकाली गई निविदा हेतु निविदाकर्त्ता यथा: 1.MDD Medical Systems (India) Pvt. Ltd. 125, Udyog Vihar, Phase I, Gurgaon -122016, Tel. 0124- 4578585 Email: mddmedical@gmail.com 2. Advantech Health Care, F 14/10, GGS Nagar, Manjitha Road, Amritsar, Tel: 2570010 and 3- Medical Products Service, 71/2, A-6, Rama Road, Industrial Area, New Delhi, 15, Tel: 011-25925960/61, Email:- mpshospital agmail.com द्वारा जमा किये गये बीड के तकनीकी बीड के मूल्यांकन एवं Comparative Chart के तैयारी हेतु पूर्व में गठित की गई तकनीकी उप समिति द्वारा तकनीकी बीड का मूल्यांकन एवं Comparative Chart तैयार कर समिति के सदस्यों के मध्य उपस्थापित करने हेतु मुख्य तकनीकी समिति की बैठक का आयोजन निदेशक प्रमुख (स्वारथ्य सेवायें) डा. आर.डी. रंजन की अध्यक्षता में आयोजित की गई, जिसमें निम्नलिखित सदस्य सम्मिलित हुए:-

- 1. Dr. R. D. Ranjan, Director in chief, Health Services GoB Chairperson
- 2. Prof. (Dr.) K. H. Raghwendra, Deptt. of Anaesthesiology, Rep. of Director, IGIMS, Patna
- 3. Dr. Deepak Tondon, Rep. Superintendent, PMCH
- 4. Dr. Jainendra Kumar, Asstt. Prof. Surgery, Rep. HoD, Surgery, PMCH
- 5. Er. Shailendra Kr. Singh. Senior Bio Medical Engineer, IGIMS, Patna
- 6. Dr. Rajeev Kumar Roy, Senior Resident, Orthopedic, Rep. NMCH
- 7. K.L.Das, Finance Manager, SHSB

मुख्य तकनीकी समिति द्वारा गठित तकनीकी उप समिति द्वारा प्रस्त्त किये गए तंकनीकी उप समिति की कार्यवाही (Proceedings) का मूल्यांकन किया गया। तंकनीकी उप समिति के द्वारा किये गए मूल्यांकन एवं कार्यवाही के आधार पर विभिन्न बिन्दुओं को मुख्य तकनीकी समिति द्वारा संदर्भगत फर्म के तकनीकी बीड को सत्यापित किया गया। राज्य स्वास्थ्य समिति द्वारा प्रकाशित निविदा में निहित शर्तो के अनुरूप एक भी निविदा प्राप्त नहीं होने के कारणें उर्वत निविदा को रदद करने का निर्णय लिया गया । तकनीकी उप समिति की कार्यवाही मुख्य तकनीकी समिति की कार्यवाही के साथ

Dr R.D.Ranjan, Director -in -Chief, GoB

संलग्न है।

Prof.(Dr.) K.H.Raghwendra. Anaesthesiology. 15/01/2015. **IGIMS**

Senior Bio-Medical Engineer, IGIMS, Patna

Dr. D. Tondon Rep. Superintendent, **PMCH**

Dr. Jainendra Kumar Asstt. Prof. Surgery, Rep. HoD, Surgery PMCH

Dr. Rajeev Kumar Raiy Senior Resident Orthopedic, Rep. NMCH

Finance Manager, SHSB

Proceedings of the meeting of the Sub-Committee held on 09.01.2015 at 11:30 A.M. in the Conference hall of State Health Society, Bihar, Patna constituted vide Office Order No. 8180 dated: 17.11.2014 for technical evaluation of the bids received against Tender Notice No.: PR-6274/14-15 for Supply, Installation, Commissioning and Maintenance of Modular Operation Theatres in 6 Medical College & Hospitals and 36 District Hospitals in State of Bihar on turnkey basis.

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Member Present:

 Dr. K. H. Raghwendra Professor, Department of Anaesthesiology, I.G.I.M.S. – Patna Member

Dr. Uma Shankar Singh
 Assistant professor, Department of Surgery,
 P.M.C.H. – Patna.

Member

3. Dr. Shivendra Kumar Singhh Assistant Professor, Department of Orthopaedics, N.M.C.H. -Patna. Member

4. Shri Shailendra Kumar Singh Senior Bio-Medical Engineer I.G.I.M.S. – Patna. Member

5. Dr.Jainendra Kumar Assistant Prof. Surgery P.M.C.H., Patna

Member

A Tender Notice No.: पी. आर. — 6274 (नि. नि.) 14—15 was published in newspaper for the supply, installation, commissioning and maintenance of Modular Operation Theatre in 06 Medical Colleges & Hospital and 36 Districts Hospital in State of Bihar on turnkey basis. Request for Proposal (RFP) and detailed terms & conditions were uploaded at SHSB Official Website www.statehealthsocietybihar.org. The last date of submission of proposal along with all requisite documents was 16.10.2014 up to 5:00 P.M.

Following firm had quoted their offers for the supply, installation, commissioning and maintenance of Modular Operation Theatre in 06 Medical Colleges & Hospital and 36 Districts Hospital in State of Bihar on turnkey basis within due date and time.

- a. M/S MDD Medical Systems (India) Pvt. Ltd. 125, Udyog Vihar, Phase 1, Gurgaon 122016, Tel. 0124- 4578585 Email: mddmedical@gmail.com
- b. M/S Advantech Health Care, F 14/10, GGS Nagar, Manjitha Road, Amritsar, Tel: 2570010.
- c. M/S Medical Products Service, 71/2, A-6, Rama Road, Industrial Area, New Delhi 100 01 15 Tel: 011-25925960/61, Email: mpshospital@gmail.com

The technical bids were opened by a duly constituted committee vide Office Order No.:7935 of the SHSB on 13/11/2014 in presence of the representative of the bidders.

After opening of technical bids, first meeting of the "Technical Evaluation Committee" was held on 13.11.2014. In the said meeting, Committee thought it appropriate to make an "Eligibility Criteria & Terms / Conditions Compliance Statement" and "Technical Comparative Statement" of the received bids and put the same in the next meeting of the committee for further needful. Keeping in view of high volume of the documents, Committee constituted a Sub-Committee consisting of one Anaesthetist from I.G.I.M.S. – Patna (to be nominated by its Director), Head – Department of Surgery, P.M.C.H. – Patna, Head – Department of Orthopaedics, N.M.C.H. – Patna and Senior Bio Medical Engineer, I.G.I.M.S. – Patna for te chnical evaluation of the received bids. Sub-Committee was directed to put up their report to main Committee for further needful. The Sub-Committee was notified vide Office Order No.: 8180 dt. 17/11 / 2014.

The first meeting of **Sub-Committee was held on 20.11.2014** at 11:30 A.M. in the Conference hall of the SHSB – Patna. In the said meeting, only two members (i.e. Dr. K. H. Raghwendra, Professor - Anaesthesiology, I.G.I.M.S. – Patna & Dr. Vimal Mukesh, Representative of Head -Surgery, P.M.C.H. –Patna) had attended the meeting. The other members could not attend the meeting due to other engagement in their Institution.

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Next meeting of the Sub-Committee was held on 26.11.2014 at 11:30 A. M. in the Conference hall of the SHSB – Patna. In the said meeting, Dr. K. H. Raghwendra, Professor - Anaesthesiology, I.G.I.M.S. – Patna, Dr. Ram Naresh Yadav, Assistant Professor, Department of Surgery, P.M.C.H. – Patna, Dr. Shivendra Kumar Singhh, Assistant Professor, Department of Orthopaedics, N.M.C.H. – Patna and Shri Shailendra Kumar Singh, Senior Bio-Medical Engineer, I.G.I.M.S. – Patna examined the received technical bids in light of the terms & conditions and technical specifications mentioned in the R.F.P. published in newspaper for the said work. A detailed "Technical Comparative Statement" and "Compliance Statement" with relation to the terms & conditions were prepared with the help of the dealing assistant of SHSB – Patna. Both the statements are attached as <u>Annexure – II</u> for references.

The Sub-Committee in its meeting held on 05-12-2014 at 12.30 p.m., 19.12.2014 at 11:30 a.m. and 09.01.2015 at 11.30 a.m. examined the bids of the quoted bidders individually with the help of "Technical Comparative Statement" and "Compliance Statement" with relation to the terms & conditions and noted the following facts.

1. M/S Advantech Health Care - Amritsar:

- a. M/S Advantech Health Care Amritsar has submitted EMD (Earnest Money Deposit) of Rs. 25, 00, 000/- through Cheque dt. 14.10.2014 (No.: 001645; Bank of India). As per terms & conditions of the R.F.P., E.M.D. is to be submitted through demand Draft or through Bank Guarantee issued by a Nationalized / Scheduled Bank located in India. Cheque, Cash Payment, Money Order, Fixed Deposits etc. will not be accepted as E.M.D.
- b. As per terms & conditions of the R.F.P., the minimum average annual turnover required for agencies taking part in this R.F.P. shall be Rs. 15 (fifteen) crores in the last three years. However, on perusal of bid submitted by M/S Advantech Health Care Amritsar, it was observed that they do not fulfil the said criteria. The average turnover of the bidder in last three financial years (2011-12, 2012-13 & 2013-14) is 9, 82, 38, 232/-.
- c. As per terms & conditions of the R.F.P., the bidder should submit an affidavit (at least on INR 100/- stamp paper) claiming that MOT installed by them is functional for at least last one year. The agency should also submit performance certificate for the same MOTs issued by the user concerned (Head of the Department or Institution). However, M/S Advantech Health Care Amritsar has not submitted any document to this effect with their technical bid.
- d. As per terms & conditions of the R.F.P., Non-Conviction Certificate (Notary Certified Affidavit) to the effect that the bidder is not blacklisted by any Govt. department / pending cases in the court of law, is to be submitted by the bidder. However, M/S Advantech Health Care – Amritsar has not submitted any document to this effect with their technical bid.
- e. As per terms & conditions of the R.F.P., bidder should submit an affidavit (at least on INR 100/stamp paper) declaring that costs quoted in the bid is their lowest price and they have not offered lower than this to any other Government/ Corporate/ Institute. However, M/S Advantech Health Care Amritsar has not submitted any document to this effect with their technical bid.
- f. As per terms & conditions of the R.F.P., bidder should submit certificate to the effect that the equipments and other components offered by them are confirming the technical specifications mentioned in the Tender Notice. However, M/S Advantech Health Care Amritsar has not submitted any document to this effect with their technical bid.
- g. As per terms & conditions of the R.F.P., the interested agency should have completed at least five nos. of successfully operational Modular OT installations in the last three years in Govt./ Semi Govt./ reputed Pvt. Institutions / Hospitals in India. The installations mentioned by the bidder in their offer must be functional and performance certificate for the same for at least last one year issued by the user concerned (Head of the Department or Institution) should also be attached with the offer. However, M/S Advantech Health Care Amritsar has not submitted any document to this effect with their technical bid.

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h. Apart from above, M/S Advantech Health Care – Amritsar has not submitted the compliance statement towards compliance of technical specifications of the various works to be executed by them as mentioned in the R.F.P. Further, they have also not submitted any technical catalogues of the offered products with technical bid in support of their claim.

From the facts mentioned above, it is clear that M/S Advantech Health Care – Amritsar do not fulfil the eligibility criteria as mentioned in the R.F.P. as well as they have also not submitted technical details of the items offered by them. Hence, members of the Sub-Committee were of the opinion not to evaluate the offer submitted by M/S Advantech Health Care – Amritsar and summarily rejected.

2. M/S MDD Medical Systems (India) Pvt. Ltd. - Gurgaon

- a. As per terms & conditions of the R.F.P., the payment to selected agency will be made as per following scheduled:
 - 25% supply of equipment after proof of delivery and on submission of Bank Guarantee of
 equal amount with validity to cover the completion period.
 - 50% After installation and successful commissioning of the complete system.
 - 10% operations after technical evaluation and satisfactory report by third party appointed by SHSB (payment for the evaluation will be borne by the tenderers).
 - 3% each every year for next five years on successful performance.

However, M/S MDD Medical Systems (India) Pvt. Ltd. – Gurgaon has not accepted the same and clearly mentioned in their **comparative statement as – Not Accepted by the Bidder**. M/S MDD Medical Systems (India) Pvt. Ltd. – Gurgaon has mentioned their terms for payment in their bid as follows:

"80% against supplies of Material, 10% after installation and commissioning of the supplies and balance 10% after satisfactory handling over of the system."

Apart from above, M/S MDD Medical Systems (India) Pvt. Ltd. – Gurgaon has also not submitted their Compliance Statement with relation to the other terms & conditions as mentioned in R.F.P. in tabular form except payment term..

As per terms & conditions of the R.F.P., tender will be "Non-responsive Tender" if tenderer has not agreed to other essential conditions(s) specially incorporated in the tender enquiry like terms of payment, liquidated damages clause, warranty clause, dispute resolution mechanism applicable law.

In the R.F.P. terms & conditions N o. -24 under heading "Scrutiny and Evaluation of Tenders", tenders will be evaluated on the basis of the terms & conditions already incorporated in the tender document, based on which tenders have been received and the terms, conditions etc. mentioned by the in their tender. No new condition will be brought in while scrutinizing and evaluation the tenders.

- b. As per terms & conditions of the R.F.P., the interested agency should have completed at least five nos. of successfully operational Modular OT installations in the last three years in Govt. / Semi Govt. / reputed Pvt. Institutions / Hospitals in India. The installations mentioned by the bidder in their offer must be functional and performance certificate for the same for at least last one year issued by the user concerned (Head of the Department or Institution) should also be attached with the offer. However, on perusal of the technical bids and associated documents submitted by M/S MDD Medical Systems (India) Pvt. Ltd. Gurgaon, it is observed that they have supplied, installed and commissioned only two numbers of Modular Operation Theatres in last three years (i.e. 2011-12, 2012-13 & 2013 14) namely at New Civil Hospital Surat (date of Completion: 25.10.2013) and Banaras Hindu University Varanasi (Date of Completion:
- c. The bidder has not mentioned the **detailed technical specifications with quoted model** of all the equipments to be supplied by them against this R.F.P. Further, technical data sheets of offered equipments / instruments are not attached by the bidder with their technical bid. The catalogue attached with the technical bid does not cover the technical details. Hence, Sub-Committee is **unable to verify the offered equipments with the technical specifications mentioned in the R.F.P.** As per terms of the R.F.P., all the claims regarding meeting the specifications shall be duly supported by appropriate, latest technical catalogues / brochures from the manufacturer. Simply stating that the equipment(s) meets the specifications is not sufficient and any such quotations will be summarily rejected.

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- d. In the R.F.P., it is clearly mentioned that items like Walls & ceiling, Pendant (Double Arm Surgical Ceiling Pendant & Single Arm Anathesia Pendant), O. T. Table, Anathesia Work Station etc. must be European CE / US FDA certified and certificate should be attached with the bid. However, no
- As mentioned in R.F.P., bidder will provide "Electrical Safety System for Cladding Type O.T.'s", which should be imported. However, in the technical bid, bidder has mentioned that they will provide the same manufactured by M/S Bender GmbH & Co. KG., Germany. However, manufacturer authorization letter is issued by M/S Industrial Automation & Logic Solution Sonepat (Haryana, India) in favour of bidder, which states that they are proven and reputable manufacturer of Medical Isolation Panels as per IEC 60634-7-710 (using Bender make products in Panel as Chanel Partner of Bender for North India). Hence, "Electrical Safety System for Cladding Type O.T.'s manufactured by M/S Industrial Automation & Logic Solution Sonepat (Haryana, India) by using Bender products in Panels can not be accepted as Imported items manufactured by M/S Bender GmbH & Co. KG., Germany.

documents in support of European CE / US FDA certified equipments / instruments are

- f. M/S MDD Medical Systems (India) Pvt. Ltd. Gurgaon has offered Anaesthesia Work Station against above-mentioned tender manufactured by M/S Heinen + Lowenstein Germany. Bidder has submitted Manufacturer Authorization Form issued in their favour by M/S Anaecon India Healthcare Pvt. Ltd. N. Delhi, who is authorized Indian distributor for the said product manufactured by M/S Heinen + Lowenstein Germany. In support above, letter of Authority / agreement dt. 11.02.2013 made between M/S Heinen + Lowenstein Germany and M/S Anaecon India Healthcare Pvt. Ltd. N. Delhi is attached. However, on perusal of agreement dt. 11.02.2013, it is observed that the manufacturer i.e. M/S Heinen + Lowenstein Germany will provide spare parts for a period of seven years from the latest date of delivery. As per terms of R.F.P. floated by the SHSB, the total life span of the system should be ten years from the date of successful commissioning. As such, it will be difficult to run the said equipment for remaining period of three years due to non-availability of spare parts. Further, no certificate to confirm that the quoted equipment is European CE / USFDA certified is attached.
- g. The products like Oxygen Manifold, Emergency Oxygen Manifold, Nitrous Oxide Manifold and Emergency N2O System should be as NFPA/HTM standard and UL Listed / CE Marked. However, M/S MDD Medical Systems (India) Pvt. Ltd. Gurgaon have offered these items manufactured by them with a note that it is CE Compliance. However, no certificate to the effect that these products are manufactured as per NFPA / HTM standard and UL / CE certified issued by competent authority is attached. Apart from above, no UL / CE certificate have been attached for Ward vacuum Unit, Medical Air Line Pressure Alarm, Medical Area Valve Service unit and Theatre Vacuum Unit.

From the facts mentioned above, it is clear that M/S MDD Medical Systems (India) Pvt. Ltd. – Gurgaon has not accepted the payment terms as mentioned in the R.F.P. instead they have offered their own terms. As per terms & conditions of the R.F.P., tender will be "Non-responsive Tender" if tenderer has not agreed to other essential conditions(s) specially incorporated in the tender enquiry like terms of payment, liquidated damages clause, warranty clause, dispute resolution mechanism applicable law. Further, their offer is also not confirming the minimum eligibility criteria and other terms & conditions mentioned in the R.F.P. (details as mentioned above). Hence, members of the Sub-Committee were of the opinion not to evaluate the offer submitted by M/S MDD Medical Systems (India) Pvt. Ltd. – Gurgaon and summarily rejected.

3. M/S Medical Products Services - N. Delhi

attached with the technical bid.

- a. As per terms & conditions of the R.F.P., the payment to selected agency will be made as per following scheduled:
 - 25% supply of equipment after proof of delivery and on submission of Bank Guarantee of
 equal amount with validity to cover the completion period.
 - 50% After installation and successful commissioning of the complete system.
 - 10% operations after technical evaluation and satisfactory report by third party appointed by SHSB (payment for the evaluation will be borne by the tenderers).
 - 3% each every year for next five years on successful performance.

M/S Medical product Services - N. Delhi has accepted the same with following remarks:

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"In terms of payment mentioned in the tender is very much tightened & if we will go through as per tender payment terms in that case huge investment & liquidity will required from our end which could impact & increase the project cost very high. So keeping this thing we are requesting you please consider our payment terms which always floated in their tender by another agency Govt/Central Govt & PSU. Above all during pre bid it was healthy discussed by all bidder for relaxing & change of mode of payment terms mentioned in the tender after pre bid meeting tender authority tighten payment terms instead of relaxation as per earlier tender."

As per terms & conditions of the R.F.P., tender will be "Non-responsive Tender" if tenderer has not agreed to other essential conditions(s) specially incorporated in the tender enquiry like terms of payment, liquidated damages clause, warranty clause, dispute resolution mechanism applicable law.

In the R.F.P. terms & conditions No. – 24 under heading "Scrutiny and Evaluation of Tenders", tenders will be evaluated on the basis of the terms & conditions already incorporated in the tender document, based on which tenders have been received and the terms, conditions etc. mentioned by the in their tender. No new condition will be brought in while scrutinizing and evaluation the tenders.

- b. As per terms & conditions of the R.F.P., the interested agency should have completed at least five nos. of successfully operational Modular OT installations in the last three years in Govt. / Semi Govt. / reputed Pvt. Institutions / Hospitals in India. The installations mentioned by the bidder in their offer must be functional and performance certificate for the same for at least last one year issued by the user concerned (Head of the Department or Institution) should also be attached with the offer. H owever, on perusal of the technical bids and associated documents submitted by M/S Medical product Services N. Delhi, it is observed that they have supplied, installed and commissioned only two numbers of Modular Operation Theatres in last three years (i.e. 2011-12, 2012-13 & 2013 14) namely at "Bebe Nanki Mother & Chield Care centre, Govt. Medical College, Amritsar (date of Completion: 15.03.2012; Certificate issued on 09.09.2014)" and "Guru Nanak Dev Super Specialty Hospital Taran Taran (Punjab)(Date of Completion: 05.01.2013; Certificate issued on 15.01.2013)". The other installations shown by the bidder either completed before the stipulated period and performance certificates were issued more than one year earlier or not submitted the supporting documents (supply order copy).
- c. In the R.F.P., it is clearly mentioned that items like Walls & Ceiling, Pendant (Double Arm Surgical Ceiling Pendant & Single Arm Anathesia Pendant), LED ceiling O. T. Light, Anathesia Work Station etc. must be European CE / US FDA certified and certificate should be attached with the bid. However, no documents in support of European CE / US FDA certified equipments / instruments are attached with the technical bid.
- d. M/S Medical product Services N. Delhi has not mentioned the detailed technical specifications with quoted model of all the equipments to be supplied by them against this R.F.P. Further, technical data sheets of offered equipments / instruments are not attached by the bidder with their technical bid. The catalogue attached with the technical bid does not cover the technical details. Hence, Sub-Committee is unable to verify the offered equipments with the technical specifications mentioned in the R.F.P. As per terms of the R.F.P., all the claims regarding meeting the specifications shall be duly supported by appropriate, latest technical catalogues / brochures from the manufacturer. Simply stating that the equipment(s) meets the specifications is not sufficient and any such quotations will be summarily rejected.
- e. The Manufacturer Authorization Certificate submitted by M/S Medical products Services N. Delhi for the supply, installation and commissioning of Antistatic Conductive Tiles & Flooring (M/s Indiana International Corporation Flooring Pvt. Ltd. New Delhi), Electrical Safèty System (M/s Bender India Pvt. Ltd. Navi Mumbai), Air Compressor (M/s Anest Iwata Motherson Limited New Delhi), Copper Pipes (m/S Mehta Tubes Ltd. Mumbai) and Medical Gas Pipeline Items (M/s Phoenix Pipeline Products Ltd. UK) are not as per format mentioned in the R.F.P.
- f. M/s Medical product Services N. Delhi has submitted Importer's Authorization forms issued by Indian firm in their favour for the supply, installation and commissioning of Antistatic Conductive Tiles & Flooring(M/s Indiana International Corporation Flooring Pvt. Ltd. New Delhi) and Vacuum Pumps (M/S R. D. Dutta & Co. Pvt. Ltd. New Delhi) instead of their respective manufacturer.

From the facts mentioned above, it is clear that M/s Medical Product Services - N. Delhi has accepted the payment terms with remarks i.e. conditional acceptance. A conditional tender may not be

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considered as responsive bidder. As per terms & conditions of the R.F.P., tender will be "Non-responsive Tender" if tenderer has not agreed to other essential conditions(s) specially incorporated in the tender enquiry like terms of payment, liquidated damages clause, warranty clause, dispute resolution mechanism applicable law. Further, their offer is also not confirming the minimum eligibility criteria and other terms & conditions mentioned in the R.F.P. (details as mentioned above). Hence, members of the Sub-Committee were of the opinion not to evaluate the offer submitted by M/s Medical Product Services – N. Delhi and summarily rejected.

The members of the sub – committee are of the opinion that the observation should be discussed in main committee for final recommendation.

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(Shailendra Kumar Singh) Semor Bio-Medical Engineer I.G.I.M.S. – Patna.

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(Dr. Uma Shankar Singh) Assistant Professor, Department of Surgery, P.M.C.H. – Patna.

Dr. Jainendra Kumar
Assistant Prof. Surgery
P.M.C.H., Patna

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(Dr. Shivendra Kumar Singh) Assistant Professor, Department of Orthopaedics, N.M.C.H. -Patna.

(Dr. K. H. Raghwendra)

Professor, Department of Anaesthesiology, I.G.I.M.S. – Patna

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